ALBEMARLE COUNTY
SUMMARY

Project Name: ZMA201800018 and SP201800023, River's Edge	**Staff:** Tori Kanellopoulos, Senior Planner
Planning Commission Hearing: May 19, 2020	**Board of Supervisors Public Hearing:** TBD
Owner: Rivers Edge Associates and Rivers Edge Holdings LLC	**Applicant**: Justin Shimp and Kelsey Schlein, Shimp Engineering, on behalf of Rivers Edge Holdings
Acreage: TMP 32-5A1 is 27.71 acres and TMP 32-5A0 is 4.81 acres, for a total of 32.52 acres.	**Rezone from:** RA Rural Areas to PRD Planned Residential Development **Special Use Permit:** Request disturbance of preserved steep slopes to accommodate the development of private facilities (accessway and stormwater management) for the proposed rezoning development
TMP: 03200-00-00-005A1 and 03200-00-00-005A0	**Location:** 2260 and 2256 Rivers Edge Lane at Route 29 North, approximately 0.20 miles north from the intersection of Lewis and Clark Drive and Route 29.
School Districts: Baker Butler E.S., Sutherland M.S., Albemarle H.S.	**Current by-right use:** Rural Area 0.5 units/acre
Magisterial District: Rivanna	**Proffers**: None
Proposal: Rezone two properties from Rural Areas (RA) to Planned Residential Development (PRD). Request for a special use permit for the disturbance of preserved steep slopes to accommodate the development of private facilities (accessway and stormwater management) for the proposed rezoning development.	**Requested # of Dwelling Units per ZMA:** Maximum of 100 dwelling units; 50 units are size-restricted to a maximum gross floor area of 1,200 sq. ft. each and the other 50 units are size-restricted to a maximum gross floor area of 900 sq. ft. each.
DA (Development Areas): Hollymead neighborhood in the Places29 Master Plan	**Comp. Plan Designation:** Neighborhood Density Residential and Private Open Space per the Places29 Master Plan

Affordable Housing Provided: ☒ Yes ☐No	**Affordable Housing AMI (%):** Minimum 15 percent affordable units at 80 percent AMI.
Character of Property: Two parcels totaling 32.52 acres with approximately fourteen single-family detached houses and a paved accessway that creates a loop through the site and connects to the entrance at Route 29. Parcels are heavily forested and surrounded by the Rivanna River.	**Use of Surrounding Properties:** There are several commercial properties to the north, and U.S. Army facilities. Rural Area properties (currently forested) are to the east and south. The parcel directly south is currently undeveloped but is in the Development Areas.
Factors Favorable: 1. The rezoning request and special use permit request are consistent with the majority of the recommendations within the Places29 Master Plan and the Comprehensive Plan. 2. The rezoning request is consistent with the majority of the applicable Neighborhood Model Principles. 3. The rezoning provides affordable rental housing that meets the housing policy within the Comprehensive Plan for a period of 10 years.	**Factors Unfavorable:** 1. The density proposed with the rezoning application is above the recommendations within the Places29 Master Plan (however, staff defers to the Commission's evaluation of the proposed density). 2. The request to disturb preserved steep slopes with the special use permit application could potentially create negative environmental impacts: erosion and sedimentation of the Rivanna River; and loss of wildlife habitat.

RECOMMENDATION:

Zoning Map Amendment: Overall, staff finds that the favorable factors outweigh the unfavorable factors. Staff recommends approval of the rezoning request ZMA201800018 with the following change:

1. Revise the proposed number of units to be consistent with the recommended density in the Places29 Master Plan (however, staff defers to the Commission's evaluation of the proposed density).

Special Use Permit: Staff recommends approval of the special use permit request SP201800023 with conditions.

STAFF PERSON: Tori Kanellopoulos
PLANNING COMMISSION: May 19, 2020
BOARD OF SUPERVISORS: TBD

PETITION:

PROJECT: ZMA201800018 and SP201800023 River's Edge
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL(S): 032000000005A0 and 032000000005A1
LOCATION: 2260 and 2256 Rivers Edge Lane. Route 29 North, approximately 0.20 miles north from the intersection of Lewis and Clark Drive and Route 29.
PROPOSAL: Rezone two properties from Rural Areas (RA) to Planned Residential Development (PRD). Request for a special use permit for the disturbance of preserved steep slopes to accommodate the development of private facilities (entrance and accessway) for the proposed rezoning development.
PETITION: Rezone 32.52 acres from Rural Areas (RA), which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) to Planned Residential Development (PRD) that allows residential (3 – 34 units/acre) with limited commercial uses. A maximum of 100 units are proposed for a gross density of approximately 3 units/acre, and a net density of 12 units/acre. A special use permit for the disturbance of preserved slopes for "Private facilities on preserved slopes" pursuant to Zoning Ordinance Section 30.7.4.b.2. Request for central sewerage and central water system per County Code Section 16-102.
ZONING: Rural Areas (RA)
OVERLAY DISTRICT(S): Entrance Corridor; Steep Slopes- Managed and Preserved; Flood Hazard Overlay; Airport Impact Area
COMPREHENSIVE PLAN: Neighborhood Density Residential- residential use (3–6 units/acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses; Privately Owned Open Space; Environmental Features- privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features; in the Hollymead Area of Places29 Master Plan.

BACKGROUND

On March 10, 2020, the Planning Commission heard the applicant's request for approval of ZMA201800018 and SP201800023, provided comments on, and deferred action at the applicant's request. The deferral was to allow the applicant time to address the issues and requests for additional information identified below:

1. Density: Additional information needed to make a determination on the request for density above the recommended density in the Comprehensive Plan (Places29 Master Plan).
2. Stormwater Management: Additional information on stormwater management and treatment, especially more treatment onsite and incorporation of any low-impact design methods.
3. Entrance: Concerns with the 'oxbow' entrance to the site (road with river on both sides). Request for additional information if other designs for the road are feasible.
4. Parking: Consider if other parking options (including a reduction in parking spaces and permeable pavers) are feasible.

5. Unit Design: Additional information on how units will be stacked, and how that design will look and function. Concern with what happens if insulation of units gets water damage. Consider fire-wise design standards from the Department of Forestry.
6. Utilities: Additional information on ownership and maintenance of the central sewerage system, and what happens if the system fails.
7. Schools: Concern with capacity of school system.

SPECIFICS OF THE APRIL 14, 2020 ZMA UPDATED APPLICATION PLAN

PLEASE REFER TO THE STAFF REPORT FOR MARCH 10, 2020 (Attachment A) FOR INFORMATION ON THE CHARACTER OF THE AREA, PLANNING AND ZONING HISTORY, CONFORMITY WITH THE COMPREHENSIVE PLAN, APPLICANT'S JUSTIFICATION FOR THE CHANGE, AND GENERAL IMPACTS OF THE DEVELOPMENT. PLEASE NOTE THAT THE SPECIAL USE PERMIT APPLICATION HAS NOT BEEN CHANGED OR UPDATED SINCE THE MARCH 10, 2020 PUBLIC HEARING.

Since the Commission's meeting in March 2020, the applicant has updated their ZMA application plan (Attachment B). Specifically, the applicant has made the following changes:

- Revised the maximum gross floor area (GFA) from 1,200 for each of the 100 units to 1,200 SF for 50 units each and 900 SF for the other 50 units each;
- The total residential building footprint area has been revised to be 60,000 SF from 50,000 SF. The buildable area has not been revised, just the total building footprint area. Buildings are still outside of steep slopes, stream buffers, and the floodplain;
- Revised stormwater management notes to say that if level spreaders cannot be provided, channelized flow through slopes may be used.

The applicant has also coordinated with Engineering staff and agreed to a condition with the Special Use Permit to provide 75 percent of stormwater treatment onsite, exclusive of forest and open space.

The applicant has responded to some of the Commission's comments as shown on the revised application plan (Attachment B) and as follows. Additional responses may be provided by the applicant during the public hearing:

1. **Density: Additional information needed to make a determination on the request for density above the recommended density in the Comprehensive Plan (Places29 Master Plan).**
   Density was discussed during the first Planning Commission public hearing on March 10, 2020. Commissioners and staff discussed the lack of precedence for this type of request. The only precedent staff is aware of is additional units (beyond the Comprehensive Plan designation) approved with Riverside Village due to the additional affordable units provided. During the March 10 meeting, Commissioners expressed that this application was unique due to other aspects beyond the density request, including unique unit types and preserving a significant number of existing trees. Commissioners also discussed the impact of dwelling units, considering associated impacts with the size of units (such as

required parking). Commissioners also mentioned that the proposal was for 100 units all size-restricted at 1,200 square feet, meaning that none were 'accessory'. The applicant has since resubmitted the application with 50 units restricted at 1,200 square feet and 50 restricted at 900 square feet. Commissioners discussed the possibility of other density bonuses, such as low-impact development design for stormwater management and other design standards currently used by other localities. Currently, the County has density bonuses for affordable housing, clustering development, preserving wooded areas, non-required road improvements, and dedicating land to public use. However, these bonuses are only available to conventional zoning districts, not planned districts. Staff would welcome direction and guidance from the Commission on what factors could be considered when proposals are submitted above the recommendations of the Comprehensive Plan. Staff defers to the Commission's analysis of this request for density above that recommended in the Master Plan.

Additional information regarding density and prior actions is provided in Attachment 9 of the March 10, 2020 staff report and is discussed in the Comprehensive Plan and Affordable Housing sections of that report.

2. **Stormwater Management: Additional information on stormwater management and treatment, especially more treatment onsite and incorporation of any low-impact design methods.**
   In coordination with Engineering staff, the applicant has agreed to a condition to provide a minimum of 75 percent of stormwater treatment onsite, exclusive of forest and open space. This is now Condition #6 for the Special Use Permit. Staff believes this concern has been addressed.

3. **Entrance: Concerns with the 'oxbow' entrance to the site (road with river on both sides). Request for additional information if other designs for the road are feasible.**
   As the applicant stated during the public hearing, it would not be feasible from a cost and design standpoint to elevate the roadway, as significant and intense construction and design would be needed to support the weight of a fire truck. An additional ingress/egress for this parcel would be challenging and expensive to implement. Fire/Rescue does not require a second point of access, as the units are sprinklered. Based on the rock-based geology of this site, erosion to the point of impacting the existing ingress/egress does not appear likely. Staff believes this concern has been addressed.

4. **Parking: Consider if other parking options (including a reduction in parking spaces and permeable pavers) are feasible.**
   The Commission discussed the proposed parking layout of this development, if permeable pavers could be used, and if there was any way to coordinate with staff and reduce parking. The applicant has not provided additional parking information at this time. Staff usually considers parking reduction requests during site planning and considers factors such as walkability and access to transit. Given the location and lack of public transit at this site, it is unlikely staff would support a parking reduction request.

However, the amount of parking and types of materials used for parking can be further evaluated at the site planning stage.

5. **<u>Unit Design:</u> Additional information on how units will be stacked, and how that design will look and function. Concern with what happens if insulation of units gets water damage. Consider fire-wise design standards from the Department of Forestry.**
   The applicant has not provided updated information at this time. The applicant did respond to the concern with insulation becoming water damaged, stating that, since these units are outside of the floodplain, that scenario is unlikely, and that insulation could be replaced if needed. The applicant may address these questions and concerns during the public hearing. Staff defers to the Commission on whether this concern is addressed.

6. **<u>Utilities:</u> Additional information on ownership and maintenance of the central sewerage system, and what happens if the system fails.**
   The proposed central sewerage system will be privately owned and maintained. It will connect back to public utilities. It is the responsibility of the property owner to upkeep the maintenance of this system and respond if it fails. It is the responsibility of ACSA to maintain and repair the public utilities with this development, including public water and the public connection to the sewerage system. Attachment 7 in the March 10, 2020 staff report outlines the applicant's request. Additional analysis on the central system is provided in the following section. While central systems are uncommon in the Development Areas, one was approved with the Emmerson Commons/Blue Ridge Cohousing development in Crozet (ZMA200700012). The purpose of the private system in both of these requests is to allow connection to the RSWA public sewage system and is not intended for provide the primary sewage treatment for development. Staff believes this concern has been addressed.

7. **<u>Schools:</u> Concern with capacity of school system.**
   Additional analysis of schools and capacity is provided in the March 10, 2020 staff report, including the recommendations contained in the Albemarle County Public Schools' 'Long Range Planning Advisory Committee Recommendations'. The proposed development would add approximately 21 students to County Schools. There are no proposed relevant projects in the current CIP. Staff believes this concern has been addressed.

<u>UPDATE ON CENTRAL SYSTEM REQUEST</u>

Staff is providing an updated analysis of the central system request since the March 10, 2020 Planning Commission public hearing. Staff did not include a full analysis per the recommendations in Objective 9 of Chapter 12 (Community Facilities) in the March staff report. The full analysis is now included as follows.

The applicant is requesting approval of a central sewerage system for the proposed residential development (Attachment 7), which requires approval from the Board. This approval does not require action of the Planning Commission, although it may be part of the Commission's consideration and discussion, and is included in the motion for the rezoning. The development would connect to public water and sewer.

Section 16 of the County Code defines a central sewerage system as a system designed to serve three or more connections. The proposed central sewerage system would serve 100 dwelling units and would require a sewer lateral connection to each dwelling unit. The central system would use a private sanitary force main, which would tie into a new public sanitary manhole adjacent to Route 29. The manhole would connect to a public gravity main under Route 29 and then to the existing public manhole at the RWSA pump station. The applicant includes the following information on monitoring the system: *"The pump station will consist of a remote monitoring system that will be managed by a contracted professional third party, a backup generator in case of loss of power, and an onsite alarm system in case of failure."*

There do not appear to be feasible alternatives for utilities for the site. The site is in the Development Areas and has environmental and topographically constraints; therefore, drainfields would not be appropriate. Given the steep slopes, stream buffer, and floodplain constraints, connecting to adjacent parcels may be infeasible and would require significant impacts to environmental features. The proposed central system ultimately connects to public utilities. ACSA provided the following comments: *"This site has restrictive access, which would make routine maintenance to the pump station a challenge. This pump station is also serving a single parcel, so there will be no other developments connecting to the proposed pump station."*

Staff reviews requests such as this for conformity with the Comprehensive Plan and also for technical feasibility. County Engineer and Health Department approval of the final system specifications will be required prior to construction. The Comprehensive Plan discourages central systems in the Development Areas. The intent of the Comprehensive Plan is to discourage both drainfields and extensive private systems serving as the primary treatment system for a development or multiple developments in the Development Areas. However, this proposed development is proposing public water and some private sewer facilities that ultimately connect to public sewer utilities. The private sewer utilities would only serve this site. Given that the private utilities are limited, connect to public utilities, and are limited to only this development, staff has no objection relevant to the Comprehensive Plan.

A favorable recommendation of approval of this ZMA application by the Planning Commission will be a finding that the use of a central system to provide connection to the nearby public sewer system is in substantial accord with the Comprehensive Plan.

The applicant is in the process of submitting the required application materials per 16-102(1-4) for the review and approval of the design of the facility by the County Engineer, Health Department, and ACSA.

PROFFERS

There are no proffers proposed with this application.

ZMA201800018 AND SP201800023: SUMMARY AND MOTIONS

SUMMARY

Staff has identified the following factors which are favorable to this request:

1. The rezoning request and special use permit request are consistent with the majority of the recommendations within the Places29 Master Plan and the Comprehensive Plan.
2. The rezoning request is consistent with the majority of the applicable Neighborhood Model Principles.
3. The rezoning provides affordable rental housing that meets the housing policy within the Comprehensive Plan for a period of 10 years.

Staff has identified the following factors which are unfavorable to this request:

1. The density proposed with the rezoning application is above the recommendations within the Places29 Master Plan (however, staff defers to the Commission's evaluation of the proposed density).
2. The request to disturb preserved steep slopes with the special use permit application could potentially create negative environmental impacts: erosion and sedimentation of the Rivanna River; and loss of wildlife habitat.

RECOMMENDATION: ZMA201800018

Based on the factors identified as favorable with this rezoning, staff recommends approval of ZMA201800018, River's Edge, with the following change:

1. Revise the proposed number of units to be consistent with the recommended density in the Places29 Master Plan (however, staff defers to the Commission's evaluation of the proposed density).

RECOMMENDATION: SP201800023

Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of the Special Use Permit request, SP201800023 River's Edge, with the following conditions:

1. The limits of disturbance within the Preserved Steep Slopes Overlay District shall be limited to the sizes, locations, and extents of disturbance as proposed in the "River's Edge: Steep Slopes Disturbance" application prepared by Shimp Engineering, P.C. and dated February 28, 2020.
2. Improvements related to stormwater, drainage, and grading shown on the final site plan and water protection ordinance plan for River's Edge shall be in general accord with the same improvements and grading shown on the exhibits "River's Edge: Road Grading + Profile" and "River's Edge: Conceptual Stormwater" in the "River's Edge: Zoning Map Amendment Application Plan" application prepared by Shimp Engineering, P.C. and dated February 28, 2020.

3. If blasting of rock becomes necessary, the applicant will submit a blasting plan subject to review and approval by the County Engineer and other Authorities having jurisdiction prior to commencing such activity.
4. Two-layer erosion and sediment control measures will be installed around the perimeter of the site, where feasible, at the discretion of the County Engineer.
5. Erosion and sediment control basins and traps will not be located within the floodplain limits.
6. A minimum of 75 percent of stormwater treatment must be provided onsite, exclusive of forest and open space.

PLANNING COMMISSION POSSIBLE MOTIONS for ZMA201800018:

A. Should a Planning Commissioner **choose to recommend approval** of this zoning map amendment:

Move to recommend approval of ZMA201800018, River's Edge, with the finding that the use of a central system to provide connection to the nearby public sewer system is in substantial accord with the Comprehensive Plan.

B. Should a Planning Commissioner **choose to recommend denial** of this zoning map amendment:

Move to recommend denial of ZMA201800018, River's Edge (state reasons for denial).

PLANNING COMMISSION POSSIBLE MOTIONS for SP201800023:

C. Should a Planning Commissioner **choose to recommend approval** of this special use permit:

Move to recommend approval of SP201800023, River's Edge, with the conditions outlined in the staff report.

D. Should a Planning Commissioner **choose to recommend denial** of this special use permit

Move to recommend denial of SP201800023, River's Edge (state reasons for denial).

ATTACHMENTS:

Attachment A: March 10, 2020 Staff Report and Attachments
Attachment B: Updated Rezoning Application Plan, dated April 14, 2020
Attachment C: Planning Commission Minutes for March 10, 2020 Meeting

ALBEMARLE COUNTY
STAFF REPORT

Project Name: ZMA201800018 and SP201800023, River's Edge	**Staff:** Tori Kanellopoulos, Senior Planner
Planning Commission Hearing: March 10, 2020	**Board of Supervisors Public Hearing:** TBD
Owner: Rivers Edge Associates and Rivers Edge Holdings LLC	**Applicant**: Justin Shimp and Kelsey Schlein, Shimp Engineering, on behalf of Rivers Edge Holdings
Acreage: TMP 32-5A1 is 27.71 acres and TMP 32-5A0 is 4.81 acres, for a total of 32.52 acres.	**Rezone from:** RA Rural Areas to PRD Planned Residential Development **Special Use Permit:** Request disturbance of preserved steep slopes to accommodate the development of private facilities (accessway and stormwater management) for the proposed rezoning development
TMP: 03200-00-00-005A1 and 03200-00-00-005A0	**Location:** 2260 and 2256 Rivers Edge Lane at Route 29 North, approximately 0.20 miles north from the intersection of Lewis and Clark Drive and Route 29.
School Districts: Baker Butler E.S., Sutherland M.S., Albemarle H.S.	**Current by-right use:** Rural Area 0.5 units/acre
Magisterial District: Rivanna	**Proffers**: None
Proposal: Rezone two properties from Rural Areas (RA) to Planned Residential Development (PRD). Request for a special use permit for the disturbance of preserved steep slopes to accommodate the development of private facilities (accessway and stormwater management) for the proposed rezoning development.	**Requested # of Dwelling Units per ZMA:** Maximum of 100 dwelling units; size-restricted to a maximum gross floor area of 1,200 sq. ft. each
DA (Development Areas): Hollymead neighborhood in the Places29 Master Plan	**Comp. Plan Designation:** Neighborhood Density Residential and Private Open Space per the Places29 Master Plan

Affordable Housing Provided: ☒ Yes ☐No	**Affordable Housing AMI (%):** Minimum 15 percent affordable units at 80 percent AMI.
Character of Property: Two parcels totaling 32.52 acres with approximately fourteen single-family detached houses and a paved accessway that creates a loop through the site and connects to the entrance at Route 29. Parcels are heavily forested and surrounded by the Rivanna River.	**Use of Surrounding Properties:** There are several commercial properties to the north, and U.S. Army facilities. Rural Area properties (currently forested) are to the east and south. The parcel directly south is currently undeveloped but is in the Development Areas.
Factors Favorable: 1. The rezoning request and special use permit request are consistent with the majority of the recommendations within the Places29 Master Plan and the Comprehensive Plan. 2. The rezoning request is consistent with the majority of the applicable Neighborhood Model Principles. 3. The rezoning provides affordable rental housing that meets the housing policy within the Comprehensive Plan for a period of 10 years.	**Factors Unfavorable:** 1. The density proposed with the rezoning application is above the recommendations within the Places29 Master Plan. 2. The request to disturb preserved steep slopes with the special use permit application could potentially create negative environmental impacts: erosion and sedimentation of the Rivanna River; and loss of wildlife habitat.

RECOMMENDATION:

Zoning Map Amendment: Overall, staff finds that the favorable factors outweigh the unfavorable factors. Staff recommends approval of the rezoning request ZMA201800018 with the following changes:

1. Revise the proposed number of units to be consistent with the recommended density in the Places29 Master Plan.
2. Update the application plan to show a public multi-use path along the full frontage with Route29.

Special Use Permit: Staff recommends approval of the special use permit request SP201800023 with conditions.

STAFF PERSON: Tori Kanellopoulos
PLANNING COMMISSION: March 10, 2020
BOARD OF SUPERVISORS: TBD

PETITION:

PROJECT: ZMA201800018 and SP201800023 River's Edge
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL(S): 032000000005A0 and 032000000005A1
LOCATION: 2260 and 2256 Rivers Edge Lane. Route 29 North, approximately 0.20 miles north from the intersection of Lewis and Clark Drive and Route 29.
PROPOSAL: Rezone two properties from Rural Areas (RA) to Planned Residential Development (PRD). Request for a special use permit for the disturbance of preserved steep slopes to accommodate the development of private facilities (entrance and accessway) for the proposed rezoning development.
PETITION: Rezone 32.52 acres from Rural Areas (RA), which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) to Planned Residential Development (PRD) that allows residential (3 – 34 units/acre) with limited commercial uses. A maximum of 100 units are proposed for a gross density of approximately 3 units/acre, and a net density of 12 units/acre. A special use permit for the disturbance of preserved slopes for "Private facilities on preserved slopes" pursuant to Zoning Ordinance Section 30.7.4.b.2. Request for central sewerage and central water system per County Code Section 16-102.
ZONING: Rural Areas (RA)
OVERLAY DISTRICT(S): Entrance Corridor; Steep Slopes- Managed and Preserved; Flood Hazard Overlay; Airport Impact Area
COMPREHENSIVE PLAN: Neighborhood Density Residential- residential use (3–6 units/acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses; Privately Owned Open Space; Environmental Features- privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features; in the Hollymead Area of Places29 Master Plan.

CHARACTER OF THE AREA

The subject properties are located at 2260 and 2256 Rivers Edge Lane, to the east of Route 29 North, approximately 0.20 miles north from the intersection of Lewis and Clark Drive and Route 29. The site has a narrow paved accessway that starts at the entrance to the site at Route 29 and creates a loop through the middle of the site. There are approximately fourteen single-family houses on the site. The site is mainly forested and is surrounded by the Rivanna River. (Attachment 1)

Several commercial uses are located north of the site, including building and roofing materials sales, an electric company, and modular home sales. U.S. Army facilities are also located to the north. Rural Area parcels (currently forested) are to the east and south. The parcel directly south of the site is also in the Development Areas (and is adjacent to North

Pointe) but is currently undeveloped. The residential Camelot and Briarwood neighborhoods are across Route 29 and approximately 0.25 miles from the site.

SPECIFICS OF THE PROPOSAL

The applicant proposes to rezone 32.52 acres from Rural Area (RA) to Planned Residential Development (PRD) to allow up to 100 dwelling units. Each dwelling unit is restricted to a maximum gross floor area of 1,200 square feet. The units will all be rental units, as the property cannot be feasibly subdivided. Access to the site will be provided using the existing entrance off of Route 29. The existing accessway will be widened from 12 feet (of travelway, plus some shoulder area) to 28 feet (with 20 feet of travelway and 4 feet on each side for shoulders). Widening the accessway is the only option for future development of the site and necessitates disturbance of preserved slopes.

Civic, recreation, and open spaces are proposed, consisting of:

- A club house, within an existing 4,000 sq. ft. structure near the entrance to the site
- A multipurpose court
- A public pedestrian path that leads to the adjacent parcel TMP 32-22K1 (where future connections may be possible, eventually connecting to North Pointe) and to Route 29
- A network of private primitive trails, minimum 2,600 linear feet
- A minimum of two (2) playgrounds or equivalent, which will likely be natural playscapes

The applicant has requested review and approval of a central sewerage system per 16-102 (Attachment 7). This request requires Board of Supervisors review and approval. The applicant proposes a private pump station that would connect to a public manhole.

The applicant is also requesting a special use permit for disturbance of preserved slopes to widen the accessway and for stormwater management (Attachment 5).

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has provided a narrative and concept plans (Attachments 3, 4, and 5).

COMMUNITY MEETING

The required community meeting was held on January 17th, 2019, at 6:00 PM at the Hollymead Fire Station, during the regularly scheduled Places29 North CAC meeting. Community members in attendance asked questions regarding the type of housing being provided, how the rental units would function, about the central system approval process, and if any transportation improvements were needed.

The applicant responded that the dwelling units will be size-restricted and likely modular housing. The units will be long-term rentals (a year or more) and will not be used for short-term rentals. The applicant explained that a central system requires Board of Supervisors approval, that the applicant will need to coordinate with ACSA to go under Route 29 for water and sewer service, and that they will need a private pump station for their site. The applicant said that a right turn lane will likely be needed for the site entrance. The main concern heard was how a school bus would be able to stop at the site. The applicant responded that a loop may be feasible, or an area to safely pull over. Staff recommends the

applicant coordinate with Albemarle County Schools when developing a location for a bus stop. When this application was presented to the CAC, only 60 units were proposed, versus the current 100 units proposed. However, the revised application significantly clusters the proposed units, and the overall area impacted by the development remains the same.

PLANNING AND ZONING HISTORY

CCP201800004: A work session for consistency with the Comprehensive Plan was held with the Planning Commission on October 16, 2018. Additional information is provided in the staff report for CCP2018-4 (Attachment 11) and in the Planning Commission minutes (Attachment 12) from the meeting. The Planning Commission found that net density should be used to calculate density for the site, and should use the more accurate GIS-data, not the area shown as Parks/Green systems in the Comprehensive Plan. The Planning Commission also found that transferring density with the adjacent property (TMP 32-22K1, not part of this rezoning request) was not appropriate.

There is no other previous planning and zoning history for this site.

ZMA201800018: ANAYLSIS OF THE REZONING REQUEST

COMPREHENSIVE PLAN

The rezoning request is consistent with the majority of the applicable policies in the County's Comprehensive Plan. The request meets the Growth Management policy (CH 3), which directs new development and infrastructure to the Development Areas. The Development Areas Chapter (8) recommends that the urban neighborhoods (which include Places29) have a variety of housing types and have extensive infrastructure and services. The proposal meets the policy of having clear boundaries with adjacent Rural Areas. The development clusters units together and maintains the existing forested riverbank boundary with the Rural Area. The proposed development is in an Entrance Corridor and is providing the 50-foot forested buffer called for in the Places29 Master Plan.

Analysis of the Places29 Master Plan

These properties are designated Neighborhood Density Residential in the Places29 Master Plan, which calls for a density range of 3 to 6 units per acre:

> **Neighborhood Density Residential.** This designation is used in areas around Centers where single-family detached and attached housing with a gross density range between 3 – 6 units per acre is desired. This designation is also applied to existing residential areas with densities within or below this range (see Land Use Table LU2). This designation is essentially the same as the Neighborhood Density Residential designation in the 1996 Land Use Plan.
>
> Primary uses: single-family residential, including two or more housing types.
>
> Secondary uses: retail, commercial, and office uses that support the neighborhood, live/work units, open space, and institutional uses. Retail, commercial, office, and institutional uses are encouraged to locate in Centers so they are accessible to residents throughout the surrounding area, and so they benefit from co-location with other neighborhood-serving businesses. However, they may be located by exception in areas around Centers designated Neighborhood Density Residential provided they are compatible with surrounding uses.



The Development Areas Chapter (8) calls for Master Plans to guide new development in the Development Areas. Strategy 8c states that density should be calculated using net density, by excluding areas not suitable for development, including steep slopes, stream buffers, floodplain, and areas identified as Parks/Green systems. The proposed development has a gross density of 3 units per acre and a net density of 12 units per acre. The Master Plan recommends a maximum of 51 units using the calculation of net density. 100 dwelling units are proposed with a range of duplexes, triplexes, and fourplexes, which is double the recommended density in the Comprehensive Plan. All units are sized-restricted, with a maximum gross floor area (GFA) of 1,200 square feet each.

The applicant has included information regarding accessory units in their narrative as justification for the additional units. Specifically, the applicant has compared the additional density proposed with this development to be comparable to a more traditional single-family development with accessory units, which are permitted in the zoning ordinance and do not count towards overall density. The applicant compares the following scenarios:

- The applicant could construct larger single-family homes, each of which could have an accessory dwelling unit, which would not count toward density.
    - 3,000 square foot house could have an accessory unit that could be 1,050 square feet in size.
    - 4,000 square foot house could have an accessory unit that could be 1,400 square feet in size.
- Or, as the applicant proposes, the applicant could construct 100 units and size-restrict the units, so that the overall impact would be similar to 50 larger single-family units.

Additional information regarding density and prior actions is provided in Attachment 9.

Additional relevant language within the Comprehensive Plan that relates to housing and density includes:

- Chapter 8 states that housing in the Development Areas should be provided at a variety of price points, including affordable housing. The proposed development

provides a unique housing type in the County. There appears to be an increasing demand for smaller units, especially as household sizes decrease nationally.

- Objective 4 of this Chapter is to *"Use Development Areas land efficiently to prevent premature expansion of the Development Areas"*. The proposed Planned Residential Development clusters units together on the site, and includes duplexes, triplexes, and fourplexes.
- Objective 4 of the Housing Chapter (9) is to *"Provide for a variety of housing types for all income levels and help provide for increased density in the Development Areas."* In addition to the proposed housing types, the applicant is providing affordable housing in accordance with the Housing Policy.

There is not sufficient guidance in the Comprehensive Plan for staff to determine when it may be acceptable to exceed the Comprehensive Plan. Master Plans are drafted and adopted through a community-driven process, including review of the future land use categories and designations. Therefore, staff has included exceeding the recommended density in the Master Plan as a 'factor unfavorable' with this application and previous applications and recommends that the density be reduced to meet the recommendations in the Master Plan.

Affordable Housing: The applicant is providing 15 percent affordable housing units, meeting the recommendation in the Comprehensive Plan (Strategy 6b, CH 9). Since the units will be rental, they will be affordable for a period of 10 years. The Housing Planner has reviewed the request and found that it is consistent with County policy. The Housing Planner has also noted that on September 18, 2019, the Board of Supervisors approved a resolution to adopt a future policy on anti-displacement measures for new development that results in existing residents needing to relocate (Attachment 10). The Housing Planner has provided draft guidelines for the applicant to review. At this time formal guidelines have not been adopted; if guidelines are adopted by the Board while this application is under review, it is expected that the applicant coordinate with the Housing Planner to meet the guidelines.

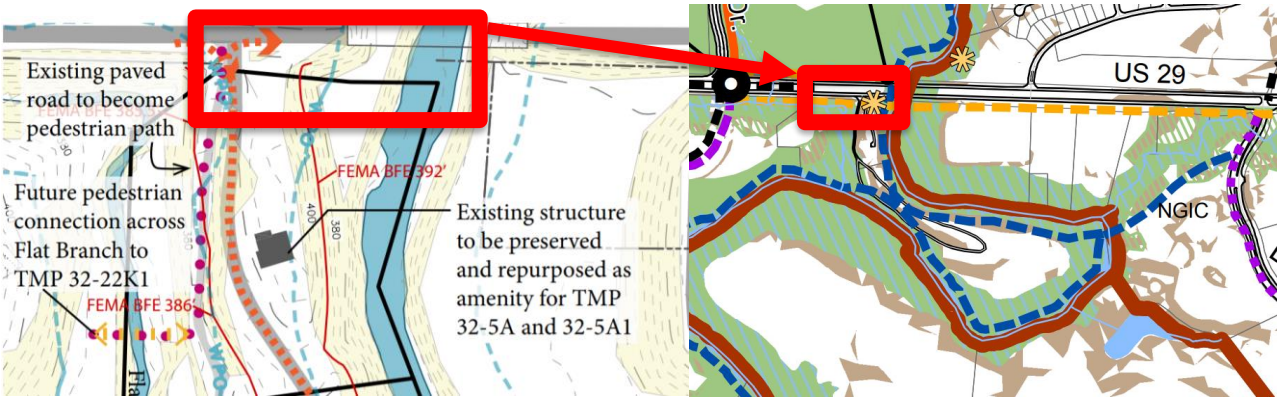
The properties are also designated Privately-Owned Open Space/Environmental Features (Parks/Green systems):

> **Privately Owned Open Space/Environmental Features.** This designation includes open space that is owned and managed by private or semi-public entities, such as homeowners associations, private homeowners, commercial or business park land owners, and others. These areas consist of recreational and passive open space amenities, and may include floodplains, steep slopes, wetlands, and other areas with environmental constraints where construction of buildings is discouraged (see Land Use Table LU2). The Future Land Use map shows Privately Owned Open Space/Environmental Features in a darker green (than the Public Open Space described above).
>
> Primary uses: semi-public open spaces, such as semi-public parks, greenways, trails, and other recreational and passive open spaces that are owned by homeowners associations or other similar entities and are open to property owners and their guests.
>
> Secondary uses: related institutional uses.

The Parks/Green systems designated areas are preserved with this development, with some disturbance of preserved slopes required (however, the Comprehensive Plan shows the slopes that will be disturbed as Neighborhood Density Residential, as there is an

existing accessway on these slopes). The development contributes to trail connections that Parks and Recreation has identified as significant. Providing a future public access with the adjacent parcel to the south (TMP 32-22K1) allows for future connections to North Pointe and the greater greenway system. There were no major concerns heard at the CAC community meeting for this application.

The following maps compare the applicant's proposed public trails to the recommendations in the Master Plan:



The above right image shows the map from the Parks/Green Systems in the Places29 Master Plan, which *"shows the recommended network of existing and proposed trails, multi-use paths, and bicycling facilities that would provide convenient non-vehicular connections between different parts of the Development Areas"* In consultation with Parks and Recreation, staff has determined that providing an internal private trail system is acceptable, and that a connection to the adjacent NGIC parcel is not necessary. Staff finds that a future public connection with the adjacent parcel to the south (TMP 32-22K1) would allow for the trail network to connect to North Pointe and therefore to the greater trail network. Staff recommends that the applicant provide the multiuse path along Route29, as there will be a future connection across Route29 that follows the river and completes an important section of the greenway.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with the majority of the principles. The detailed Neighborhood Model Analysis can be found in Attachment 8.

ZONING ORDINANCE REQUIREMENTS

Relationship between the application and the intent and purposes of the requested zoning district:

The purpose and intent of the Planned Residential Development (PRD) zoning district is to:

- *"encourage sensitivity toward the natural characteristics of the site and toward impact on the surrounding area in land development…promote economical and efficient land use, an improved level of amenities, appropriate and harmonious physical development, and creative design consistent with the best interest of the county and the area in which it is located."*

- *"provide for flexibility and variety of development for residential purposes and uses ancillary thereto. Open space may serve such varied uses as recreation, protection of areas sensitive to development, buffering between dissimilar uses and preservation of agricultural activity."*

Staff reviewed the request and has found that this rezoning meets the purposes and intent of the PRD. The proposal includes a variety of housing types (single-family detached, duplexes, triplexes, fourplexes), 25% open space, a forested buffer along Route 29, and recreation. The development clusters dwelling units and preserves most of the site for open space. While PRD's are generally recommended for areas with Comprehensive Plan recommended densities of 15 units/acre or more, staff finds that PRD is an appropriate district for this site, as the significant environmental features require *"careful planning with respect to impact"*, as the intent of the zoning district states.

Anticipated impact on public facilities and services:

Streets:

The applicant provided estimated traffic counts and right turn lane analysis within the narrative (Attachment 6). VDOT reviewed the application and traffic information and does not anticipate a significant traffic impact. A traffic study was not required. The existing AADT between Airport/Proffitt Roads and Camelot Drive is 39,000 vehicle trips. The proposed development would add 543 weekday trips, with 35 AM peak hour trips and 43 PM peak hour trips.

Schools:

Students living in this area would attend Baker Butler Elementary School, Sutherland Middle School, and Albemarle High School. The applicant has provided the following estimates for new student counts, based on calculations provided by County Schools:

Type of Dwelling Unit	Elementary	Middle	High	Total
Multifamily	0.12	0.03	0.05	0.21
100 Units	12	3	5	21

Of these three schools, both Baker Butler Elementary School and Albemarle High School are projected to continue to exceed capacity. Albemarle County Public Schools' 'Long Range Planning Advisory Committee Recommendations' (July 11, 2019) identifies 'moderate capacity conflicts' for Baker Butler E.S. and 'high capacity conflicts' for Albemarle H.S.

The report recommends the following for Baker Butler E.S.: "*Student enrollment is projected to be just at capacity at the two schools combined. However, Baker-Butler is currently over-enrolled and capacity conflicts are projected to worsen over time. On the other hand, Broadus Wood, the district directly adjacent to Baker-Butler has ample capacity of approximately 100 seats. LRPAC again recommends a redistricting study if the capacity situation at Baker-Butler worsens. Long-term forecasts show this northern area growing substantially. If forecasts prove out, a new elementary school will be needed."*

The report recommends the following for all three County high schools: *"The Division has embarked upon a "center" based strategy to address capacity issues at its three comprehensive high schools, in particular at Albemarle High School. This agile approach addresses both instructional and capacity needs in an efficient manner. Long-term county population growth is forecast to grow by 44% over the next thirty years. That could yield another 1,800 high school students, roughly the size of the current AHS."*

As the Places29 Master Plan is fully realized, growth must be closely monitored since Albemarle High schools does not have the long-term capacity to support additional residential growth expected in this part of the County. However, dedication of land for two new elementary schools are proffered commitments of other large developments in the Places29 Development Area. This includes a 7-acre site within Brookhill and a 12.85-acre site within North Pointe. The Brookhill development also has a proffer requiring dedication of an approximately 60-acre site along Berkmar Drive that could be used for a comprehensive public high school. There are no proposed relevant projects in the current CIP.

Fire and Rescue:
Fire/Rescue had no objection to the proposal. Since the units will be sprinklered, a second point of access is not required.

Utilities:
The proposed development is in the jurisdictional area for water and sewer. The applicant is requesting a central sewerage system, with analysis provided below. The proposal shows a public waterline, per ACSA's review comments, as follows: *"Parcel is located in the North Fork South Zone Special Rate District. Due to the demand for fire hydrants a public water main will be required. ACSA may request these units be individually metered*." ACSA has no objection to the proposal.

Request for Central Sewerage System:
The applicant is also requesting approval of a central sewerage system for the proposed residential development (Attachment 7), which requires approval from the Board. This approval does not require action of the Planning Commission. The development would connect to public water and sewer.

Section 16 of the County Code defines a central sewerage system as a system designed to serve three or more connections. The proposed central sewerage system would serve 100 dwelling units and would require a sewer lateral connection to each dwelling unit. The central system would use a private sanitary force main, which would tie into a new public sanitary manhole adjacent to Route 29. The manhole would connect to a public gravity main under Route 29 and then to the existing public manhole at the RWSA pump station. The applicant includes the following information on monitoring the system: *"The pump station will consist of a remote monitoring system that will be managed by a contracted professional third party, a backup generator in case of loss of power, and an onsite alarm system in case of failure."*

There do not appear to be feasible alternatives for utilities for the site. The site is in the Development Areas and has environmental and topographically constraints; therefore,

drainfields would not be appropriate. Given the steep slopes, stream buffer, and floodplain constraints, connecting to adjacent parcels may be infeasible and would require significant impacts to environmental features. The proposed central system ultimately connects to public utilities. ACSA provided the following comments: *"This site has restrictive access, which would make routine maintenance to the pump station a challenge. This pump station is also serving a single parcel, so there will be no other developments connecting to the proposed pump station."*

Staff reviews requests such as this for conformity with the Comprehensive Plan and also for technical feasibility. County Engineer and Health Department approval of the final system specifications will be required prior to construction. The Comprehensive Plan discourages central systems in the Rural Area; however, it does not contain guidance on central systems in the Development Areas. Staff has no objection relevant to the Comprehensive Plan. The applicant has submitted the required application materials per 16-102(1-3), however has not yet submitted 16-102(4). Review of the full materials by the County Engineer, Health Department, and ACSA will be required prior to approval.

Anticipated impact on environmental, cultural and historic resources:
There are no known cultural or historic resources on the site. There are significant environmental resources on the site, including steep slopes and a portion of the Rivanna River (Attachment 2). The applicant has requested a Special Use Permit to disturb steep slopes to install a paved vehicular accessway for the development and to provide access to the river for stormwater management purposes. Additional analysis is included in the Special Use Permit section of this report.

While there will be some impacts to environmental resources with this development, the County Engineer and Planning staff find the impacts to preserved slopes to be acceptable and find that there would not be substantial negative impacts. No buildings or parking are in steep slopes or the stream buffer. Disturbance of preserved slopes is necessary to allow for vehicular access to the site. Buildings and parking are not permitted in preserved slopes, stream buffers, or the flood plain. The proposed development provides trails throughout the development to give residents access to the scenic environmental resources on the site. Potential negative impacts to environmental features are considered against the beneficial aspects of the proposal, including providing affordable housing and directing development to the Development Areas.

Anticipated impact on nearby and surrounding properties:
No significant impacts are anticipated on nearby and surrounding properties. The two parcels included in this development are surrounded by the Rivanna River. The development preserves the existing vegetated area surrounding the property. There is no connection to the NGIC properties to the north. In the future, there may be a pedestrian trail connection with the property to the south, which would be a beneficial connection to the greater trail system.

Public need and justification for the change:
The County's growth management policy states that new residential development should occur in the designated Development Areas where infrastructure and services are provided,

rather than in the Rural Area. This proposal provides several housing types and provides 15 percent affordable units.

PROFFERS
There are no proffers proposed with this application.

SP201800023: ANAYLSIS OF THE SPECIAL USE PERMIT REQUEST
Special Use Permit request per 18-30.7.4(b)(2): *"The only use permitted by special use permit on preserved slopes are private facilities such as accessways, utility lines and appurtenances, and stormwater management facilities, not otherwise permitted by right under subsection (b)(1)(e), where the lot does not contain adequate land area outside of the preserved slopes to locate the private facilities."*

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:
Section 33.39(B) states that the Commission, in making its recommendation, shall consider the same factors found in Section 33.40(B):

1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.
There is no anticipated detriment to adjacent parcels. The disturbance of the preserved slopes is entirely contained to the site. Both the site and the boundaries of surrounding parcels contain environmental features that permit very limited development or disturbance, including preserved slopes, stream buffers, and floodplain. There are no structures on adjacent parcels that are near the proposed disturbance area, nor would there be in the future. Disturbance of steep slopes for the accessway removes terrain prone to erosion, however, it also increases runoff.

The applicant would need County Engineer review and approval of a VSMP application meeting the steep slopes standards of County Code 18-30.7.5 prior to any disturbance activities. The application states that: *"The disturbed material is expected to be mostly rock, which does not require mass earthwork and movement of dirt…The areas of disturbance will be limited to cutting and excavating the slopes, with no mass grading of the steep slopes planned, protecting downstream areas below. Any land disturbance will comply with applicable Virginia DEQ and Albemarle County Water Protection Ordinance Regulations."* The County Engineer has no objection to the Special Use Permit request to disturb steep slopes for the accessway. The County Engineer also has no objection to disturbance of slopes for the purpose of stormwater management facilities. The County Engineer has reviewed the general locations of the proposed facilities and found them to be acceptable.

It should be noted that while disturbance of steep slopes is needed for the accessway, disturbance of steep slopes for stormwater management facilities may not ultimately be needed during site planning. The applicant has chosen to include the disturbance request for the stormwater management facilities with this application so that the full request is contained in one special use permit, and the applicant does not need to submit an additional special use permit request in the future, should the disturbance be necessary.

2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.
No change to the character of the nearby area is anticipated. Disturbance of preserved slopes is for widening the existing accessway to the development to meet County standards and for stormwater management facilities. The accessway will not be a private street. It will have the design and appearance of a rural road section, widening the existing accessway from 12 feet (of travelway, plus some shoulder area) to 28 feet (with 20 feet of travelway and 4 feet on each side for shoulders). This wider accessway is needed for safe and convenient vehicular travel, and for access for emergency vehicles. Further development of the site is not feasible without widening the accessway. The majority of the preserved slopes are left unchanged with this development, and the wooded character of the immediate area remains.

3. Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,
The purpose and intent of the steep slopes overlay district per 18-30.7.1 is *"to establish an overlay district on those lands within the development areas of the county as delineated in the comprehensive plan which have steep slopes and for which additional development design care and consideration must be given, prior to permitted development occurring."*

Disturbance of preserved steep slopes: *"should be subject to appropriate consideration and care in their design and construction in order to protect the integrity of the steep slope areas, protect downstream lands and waterways from the adverse effects of the unregulated disturbance of steep slopes, including the rapid or large-scale movement of soil and rock, or both, excessive stormwater runoff, the degradation of surface water, and to enhance and preserve the character and beauty of the steep slopes in the development areas of the county."* The applicant's justification (Attachment 5) addresses how each of these provisions are met. The County Engineer concurs with this analysis. The applicant will need to meet all relevant County and State standards for slope disturbance and stormwater management, including the standards in 18-30.7.5 and an approved VSMP application.

a. with the uses permitted by right in the district,
By-right uses permitted in preserved steep slopes per 18-30.7.4(b)(1) include necessary public facilities, existing structures, and trails. The expanded accessway follows the existing accessway and will provide necessary access for the proposed dwelling units requested with the rezoning application. Although the requested density is above the Comprehensive Plan recommendation, *any* future development would require upgrading this accessway. There is also sufficient space for the proposed trails throughout the site.

b. with the regulations provided in Section 5 as applicable,
There are no applicable regulations in Section 5.

c. and with the public health, safety, and general welfare.
Based on the above analysis and the application, staff does not anticipate that the steep slopes disturbance would negatively affect public health, safety, and welfare. Additionally, the disturbance of steep slopes allows for development of the site and is consistent with

major aspects of the Comprehensive Plan, including providing development in the Development Areas and providing affordable housing. While the proposed density is above the recommended density in the Comprehensive Plan, any further development of this site would require disturbance of slopes for a safe accessway of sufficient width and potentially for stormwater management facilities.

4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.
The favorable aspects of this proposal are weighed against the unfavorable aspects. While the proposed development may have some negative impacts on environmental features, staff finds the overall benefits outweigh these impacts. Additional analysis of the benefits of the proposed development are in the above rezoning analysis and include: providing affordable housing; providing a unique housing type; and directing development and density to the Development Areas.

The Natural Resources Chapter (Chapter 4) highlights the importance of protecting water and topographical resources in the County, especially the water quality of the Rivanna River. Strategy 5c states that steep slopes in the Development Areas should be protected, especially those adjacent to streams. While this development request requires disturbance of preserved steep slopes, staff finds that the favorable factors outweigh the unfavorable factors of the request. Land shown as Parks/Green systems in the Comprehensive Plan is preserved with this development. The proposal is located in the Development Areas, is providing affordable housing consistent with County policy, and is providing a unique type of housing that is not currently provided in the County. Development of the site would be infeasible without disturbance of preserved slopes, as the only means of access to the site is through preserved slopes.

Engineering staff has commented that disturbing preserved slopes for stormwater management purposes is acceptable, especially as the disturbance will ultimately result in stabilization of the river bank. Engineering staff finds that accessing the river may be necessary for stormwater management, however the applicant may decide to pursue an alternative design at the site planning stage if desired.

The County Natural Resources Manager commented on the importance of protecting biodiversity and on the existing stream quality issues in the Rivanna River:

"Segments of the North Fork Rivanna River (NFRR) are designated as impaired by Virginia Department of Environmental Quality (DEQ) for recreation (based on levels of coliform bacteria) and aquatic life (based on benthic macroinvertebrate data)…this section of the NFRR has been identified as Threatened/Endangered waters by the Virginia Department of Game and Inland Fisheries…due to observations of state or federally threatened or endangered freshwater mussels. The Rivanna River Corridor, which includes this project site, was identified as one of three Conservation Focus Areas in the County (Figure 8 in the amended Natural Resources Chapter). Conservation Focus Areas have significant biodiversity resources and high conservation value. In the case of the Rivanna River Corridor, there is habitat connectivity throughout much of the focus area. Impacts to natural

resources in the Conservation Focus Areas should be minimized and avoided when possible."

The proposed development contains new trails near the River but does not have any direct access to the River. There is existing development on the site, and the proposed development uses nearly the same location for its upgraded accessway as the current paved accessway. No subdivisions are proposed with the development request, and the site would remain as two parcels only (or be combined into one parcel). Therefore, staff does not find that the development would cause habitat fragmentation. Some of the existing houses on the site are within preserved slopes and stream buffers. The new development would not have any houses or parking areas within slopes or stream buffers. The proposed development is not in a water supply watershed.

ZMA201800018 AND SP201800023: SUMMARY AND MOTIONS

SUMMARY

Staff has identified the following factors which are favorable to this request:

1. The rezoning request and special use permit request are consistent with the majority of the recommendations within the Places29 Master Plan and the Comprehensive Plan.
2. The rezoning request is consistent with the majority of the applicable Neighborhood Model Principles.
3. The rezoning provides affordable rental housing that meets the housing policy within the Comprehensive Plan for a period of 10 years.

Staff has identified the following factors which are unfavorable to this request:

1. The density proposed with the rezoning application is above the recommendations within the Places29 Master Plan.
2. The request to disturb preserved steep slopes with the special use permit application could potentially create negative environmental impacts: erosion and sedimentation of the Rivanna River; and loss of wildlife habitat.

RECOMMENDATION: ZMA201800018

Based on the factors identified as favorable with this rezoning, staff recommends approval of ZMA201800018, River's Edge, with the following changes:

1. Revise the proposed number of units to be consistent with the recommended density in the Places29 Master Plan.
2. Update the application plan to show a public multi-use path along the full frontage with Route29.

RECOMMENDATION: SP201800023

Based on the findings described in this staff report and factors identified as favorable, staff

recommends approval of the Special Use Permit request, SP201800023 River's Edge, with the following conditions:

1. The limits of disturbance within the Preserved Steep Slopes Overlay District shall be limited to the sizes, locations, and extents of disturbance as proposed in the "River's Edge: Steep Slopes Disturbance" application prepared by Shimp Engineering, P.C. and dated February 28, 2020.
2. Improvements related to stormwater, drainage, and grading shown on the final site plan and water protection ordinance plan for River's Edge shall be in general accord with the same improvements and grading shown on the exhibits "River's Edge: Road Grading + Profile" and "River's Edge: Conceptual Stormwater" in the "River's Edge: Zoning Map Amendment Application Plan" application prepared by Shimp Engineering, P.C. and dated February 28, 2020.
3. If blasting of rock becomes necessary, the applicant will submit a blasting plan subject to review and approval by the County Engineer and other Authorities having jurisdiction prior to commencing such activity.
4. Two-layer erosion and sediment control measures will be installed around the perimeter of the site, where feasible, at the discretion of the County Engineer.
5. Erosion and sediment control measures will not be located within the floodplain limits.

PLANNING COMMISSION POSSIBLE MOTIONS for ZMA201800018:

A. Should a Planning Commissioner **choose to recommend approval** of this zoning map amendment:

   Move to recommend approval of ZMA201800018, River's Edge.

B. Should a Planning Commissioner **choose to recommend denial** of this zoning map amendment:

   Move to recommend denial of ZMA201800018, River's Edge (state reasons for denial).

PLANNING COMMISSION POSSIBLE MOTIONS for SP201800023:

C. Should a Planning Commissioner **choose to recommend approval** of this special use permit:

   Move to recommend approval of SP201800023, River's Edge, with the conditions outlined in the staff report.

D. Should a Planning Commissioner **choose to recommend denial** of this special use permit

   Move to recommend denial of SP201800023, River's Edge (state reasons for denial).

ATTACHMENTS:

Attachment 1: Vicinity Maps
Attachment 2: Environmental Features Maps
Attachment 3: Applicant Narrative, dated February 28, 2020
Attachment 4: Rezoning Application Plan, dated February 28, 2020
Attachment 5: Special Use Permit Application, dated February 28, 2020
Attachment 6: Right Turn Warrant Analysis
Attachment 7: Central Sewerage System Request
Attachment 8: Neighborhood Model Principles Staff Analysis
Attachment 9: County Ordinance and Policy for Accessory Units Staff Analysis
Attachment 10: Resolution on Anti-Displacement Policy approved by Board of Supervisors, September 18, 2019
Attachment 11: Staff Report for CCP201800004, dated October 16, 2018
Attachment 12: Planning Commission Minutes for CCP201800004

ZONING MAP AMENDMENT

APPLICATION PLAN

ZMA201800018

RIVER'S EDGE

TMP(s) 32-5A & 32-5A1

project ID: 15.064

Submitted 17 December 2018
Revised 16 September 2019
Revised 16 December 2019
Revised 28 February 2020
REVISED 14 APRIL 2020

Context Map

Sheet 1 of 29

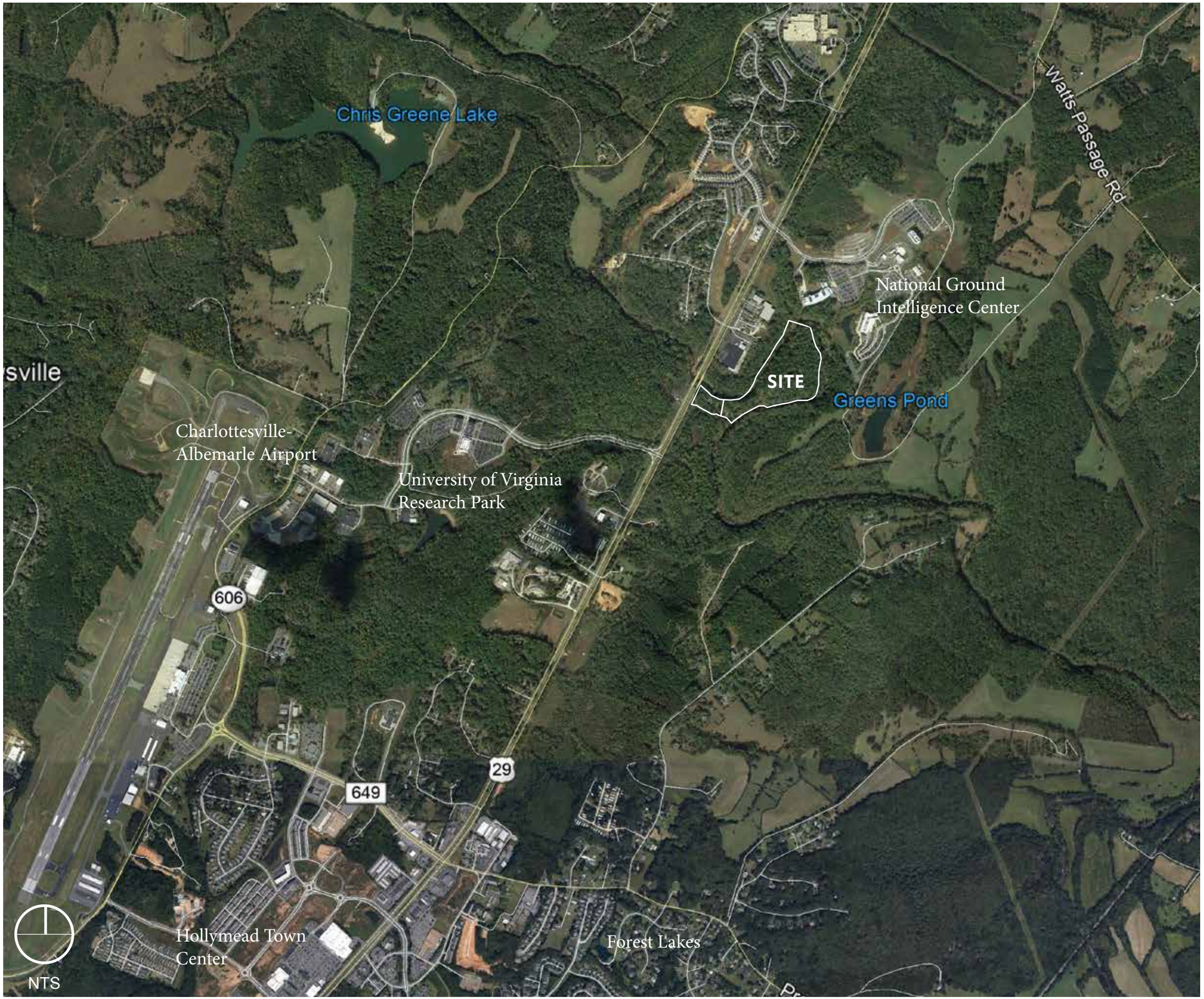


Image Source: Google Maps

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28 - Street Section
29 - Supplementary Regulations

SHIMP ENGINEERING, P.C.

RIVER'S EDGE
SITE & ZMA DETAILS

OWNER/DEVELOPER
Rivers Edge Holdings LLC & Rivers Edge Associates LLC
C/O Access Properties
2027 Woodbrook Ct
Charlottesville, VA 22901

PROPERTY ADDRESS
2260-2280 Rivers Edge Road
Charlottesville, VA 22911

DISTRICT
Rivanna

STEEP SLOPES & STREAM BUFFER
There are existing steep slopes and stream buffers on site.

SOURCE OF BOUNDARY AND TOPOGRAPHY
Compiled from the Albemarle County Office of Geographic Data Services GIS Data. Topographic road survey completed by Brian Ray, Roger W. Ray & Associates, Inc. Surveying, September 2018.

FLOODZONE
According to the FEMA Flood Insurance Rate Map, effective date February 4, 2005 (Community Panel 51003C0286D), this property does lie within a Zone AE 100-year flood plain.

WATER SUPPLY WATERSHED
Non-Watershed Supply Watershed

WATER AND SANITARY SERVICES
Provided by Albemarle County Service Authority (ACSA)

FIRE CODE
Units will be provided with an automatic sprinkler system

USE
EXISTING: R1 - Residential
COMPREHENSIVE PLAN: Neighborhood Density Residential & Private Open Space
PROPOSED: Residential & Private Open Space

ZONING
EXISTING: Rural Areas
OVERLAY: Airport Impact Area, Entrance Corridor, 100-Year Floodplain, Steep Slopes - Managed & Preserved
PROPOSED: Planned Residential Development (PRD)

PROPOSED UNITS
100 size-restricted units: 50 units, maximum unit size 1,200 SF + 50 units, maximum unit size 900 SF
Gross density of 3 units/acre (32.52 acres total), net density of 11.6 units/acre (8.62 developable).

OPEN SPACE
Open space area shall be provided in accordance with Sec. 4.7 of the Albemarle County Zoning Ordinance.
Recreational area shall be provided in accordance with Section 4.16 of the Albemarle County Zoning Ordinance. Recreational facilities as provided for in Section 4.16.2 may be substituted during site plan with equipment and facilities as provided for in this Application Plan and as approved by the Director of Planning and Community Development.

STORMWATER MANAGEMENT
If permitted under applicable stormwater regulations, stormwater discharge may be to level spreader or similar facility to open space. If conditions do not permit such discharge, stormwater may be conveyed to the stream or river in an adequate channel with slope stabilization, as applicable, where stream bank disturbance occurs.

USE TABLE NOTES
1. Total footprint area of residential buildings not to exceed 60,000 SF
2. Setbacks are not provided as the property is not to be subdivided.

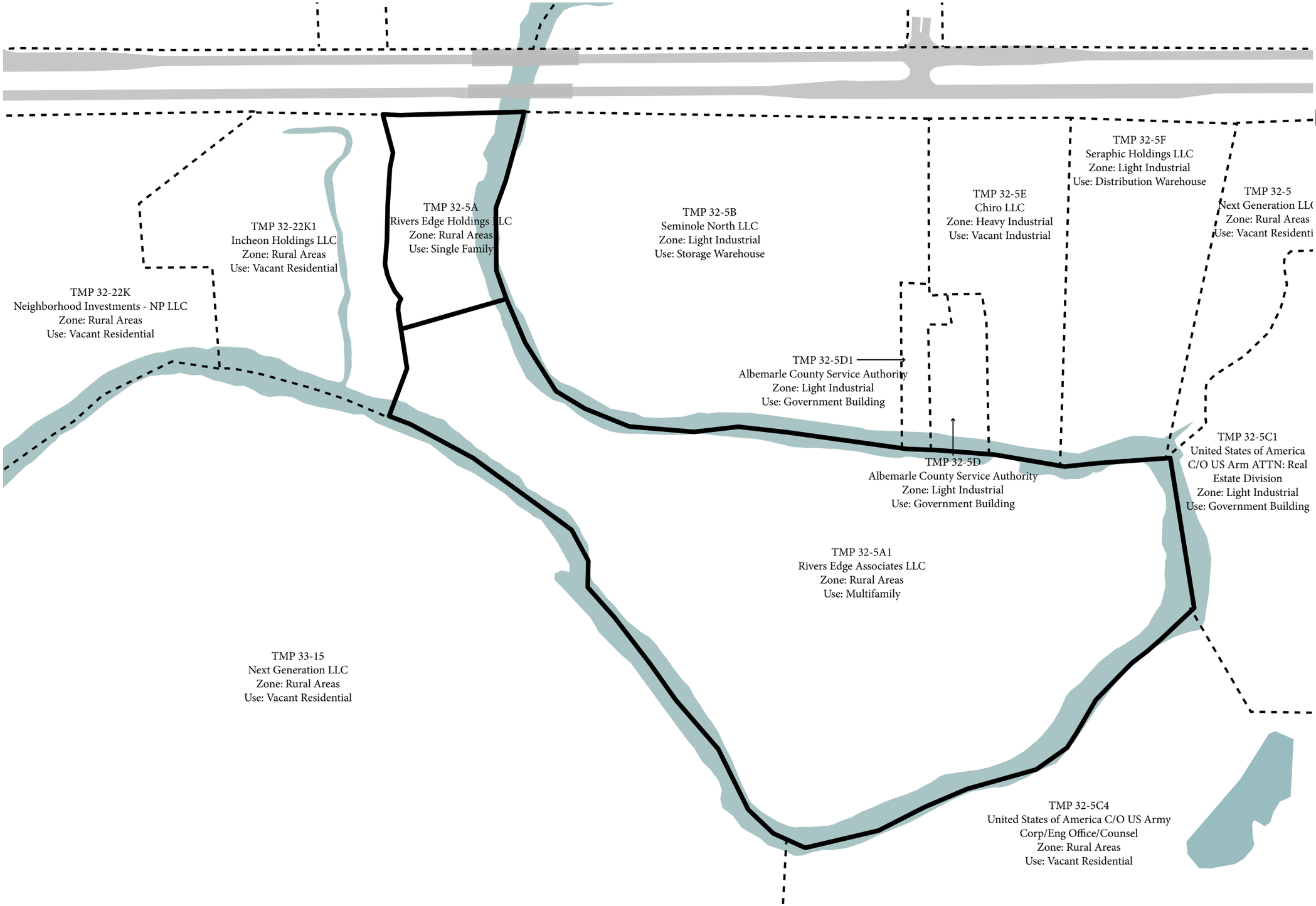
USE TABLE

PROPOSED # OF DWELLING UNITS[1]	100
UNIT TYPE	Single-family dwelling, two-family dwelling, triplex, quadruplex
NON-RESIDENTIAL SQUARE FOOTAGE (excluding recreational facilities provided in accordance with Sec. 4.16)	4,000 SF
MAXIMUM HEIGHT	35'
MAXIMUM GFA PER UNIT	50 units: 1,200 SF (MAX) + 50 units: 900 SF (MAX)
BUILDING SEPARATION	10' unless the building shares a common wall; 5' off of each building side for a total of 10' between buildings
BUILD-TO LINES[2]	50' from US Route 29 5' from parking areas, travelways, accessways, and pedestrian paths
ALLOWABLE USES	Residential units as provided for in this Application Plan. The following uses listed in Sec. 19.3.1 shall be permitted by-right: **(1)** Parks, playgrounds, community centers and noncommercial recreational and cultural facilities such as tennis courts, swimming pools, game rooms, libraries, and the like; **(2)** Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations, and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law; **(3)** Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies; public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority; **(4)** Temporary construction uses; **(5)** Accessory uses and structures including home occupation, Class A and storage buildings; **(6)** Group home; **(7)** Stormwater management facilities shown on approved final site plan or subdivision plat; **(8)** Tier I and Tier II personal wireless service facilities; **(9)** Family day homes The following uses of Sec. 19.3.2 shall be permitted by approval of a special use permit: **(1)** Child day center; **(2)** Fire and rescue squad stations; **(3)** Assisted living facility, skilled nursing facility, children's residential facility, or similar institution; **(4)** Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; microwave and radio-wave transmission and relay towers, substations and appurtenances; **(5)** Home occupation, Class B; **(6)** Religious assembly use; **(7)** Stand alone parking and parking structures; **(8)** Swim, golf, tennis or similar athletic facilities; **(9)** Offices; **(10)** Tier III personal wireless service facilities; **(11)** Historical centers, historical center special events, historical center festivals; **(12)** Farmers' market

TMP# 32-67-0-00A1
Submitted 17 December 2018
Revised 16 September 2019
Revised 17 February 2020
Revised 16 April 2020
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FRONT ROYAL VA

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RIVER'S EDGE
EXISTING CONDITIONS
Sheet 3 of 29



225 0 225 450 675
Graphic Scale: 1"= 225'

Additional Notes:

1. Source of property boundaries on sheet 3: Albemarle County GIS

TMP(s) 32-5A & 32-5A1

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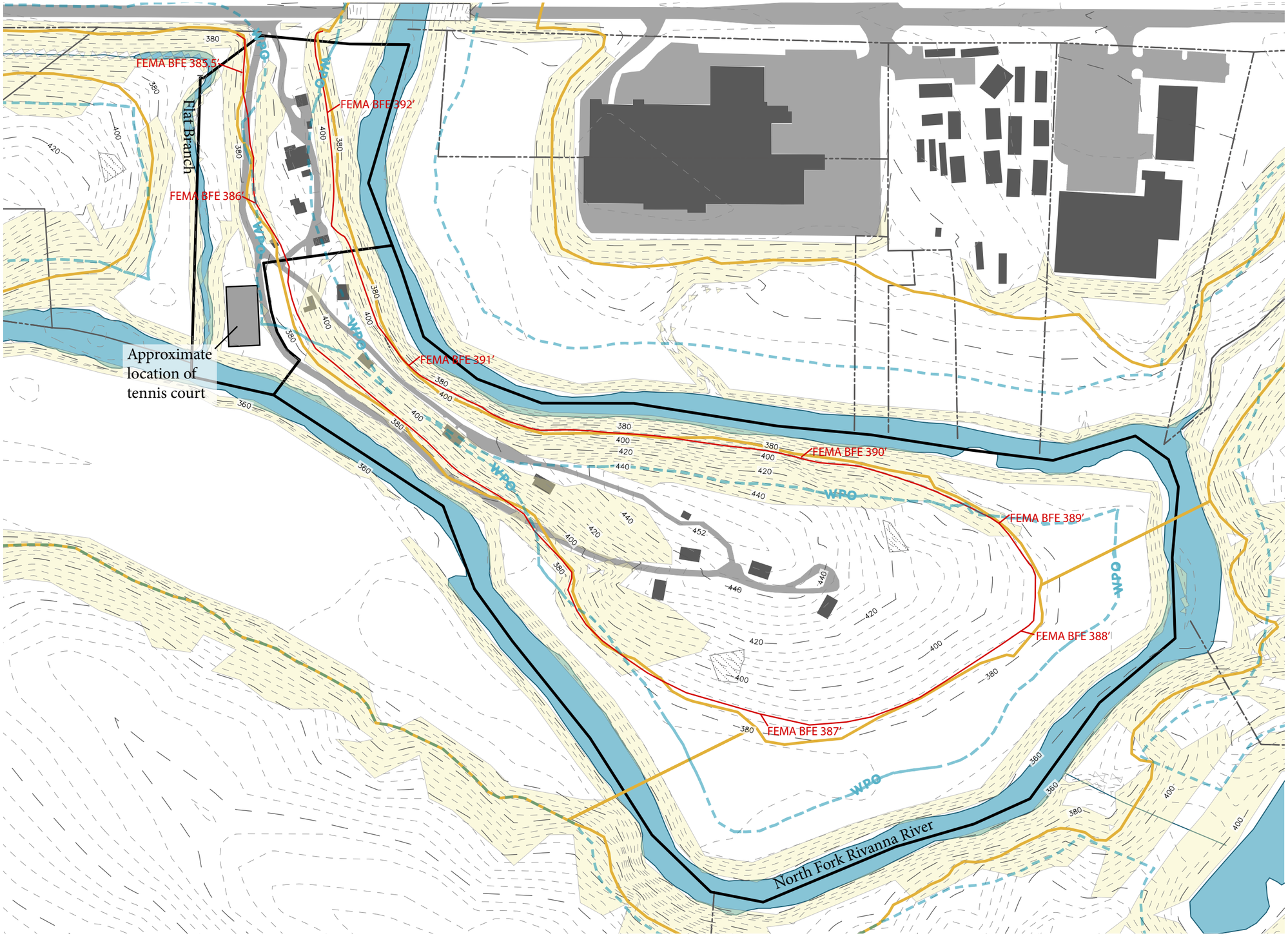
ZONING MAP AMENDMENT
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RIVER'S EDGE
EXISTING CONDITIONS
Sheet 4 of 29

Additional Notes:

1. Source of dashed parcel boundaries: Albemarle County GIS

2. Source of parcel boundary for TMP 32-5A and 32-5A1: plat of record and approximate survey data



Key

- GIS Parcel Boundary
- FEMA Base Flood Elevation
- Stream
- 100-Year Floodplain
- Water Protection Ordinance Buffer
- Waterway
- Existing Accessway
- Steep Slopes: Preserved
- Steep Slopes: Managed

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Graphic Scale: 1"= 200'

TMP(s) 32-5A & 32-5A1

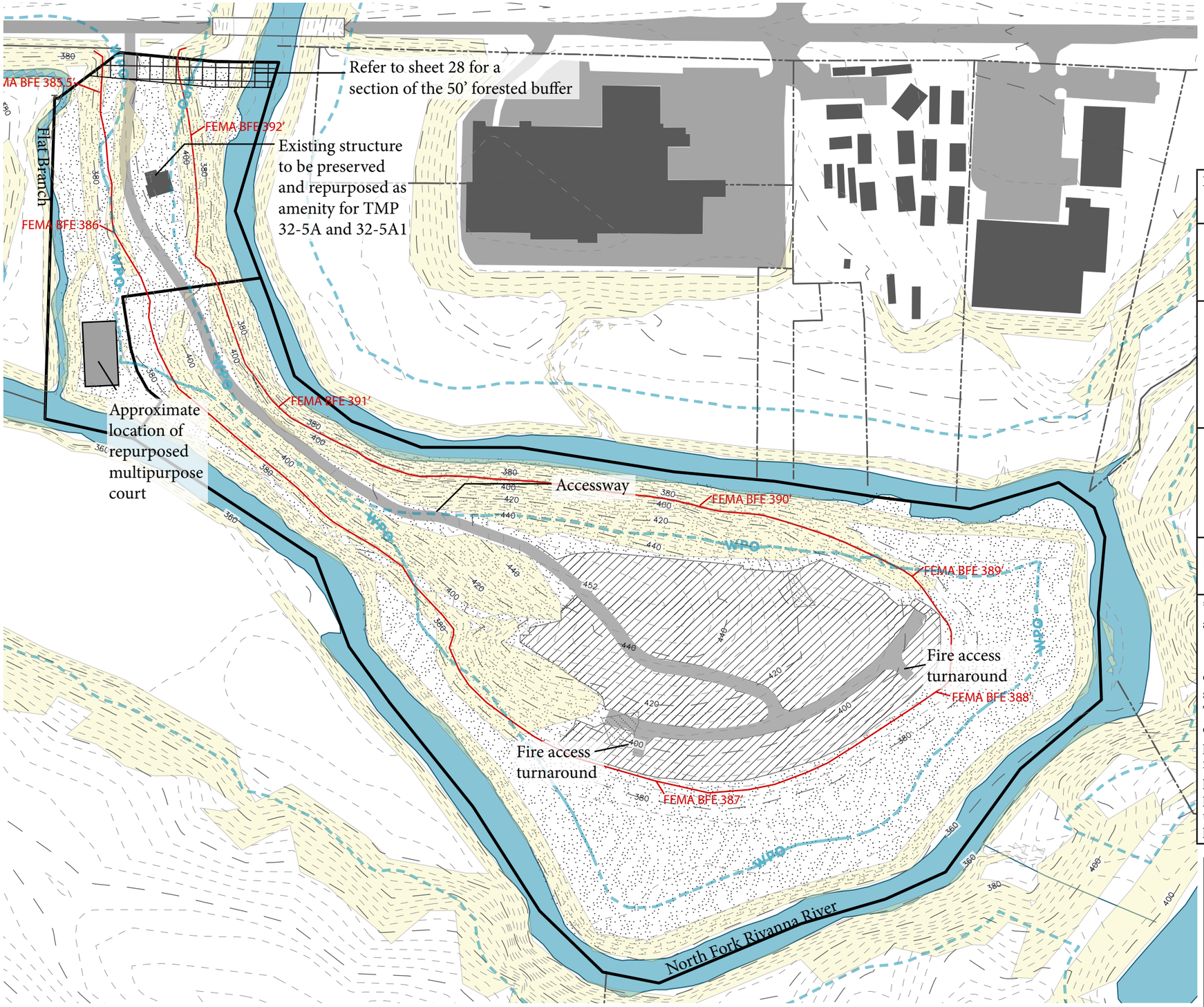
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ZONING MAP AMENDMENT
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RIVER'S EDGE
CONCEPT PLAN
Sheet 5 of 29



LEGEND	LAND USE	PROHIBITED USES	PERMITTED USES
	Accessway Reservation*	Residential & non-residential buildings	Travel ways, ingress/egress, grading, landscaping, utilities, along with other uses typically permitted within a ROW
	Buildable Area	None	Residential and non-residential buildings, signage, grading, landscaping, open space, utilities, sidewalks, parking, primitive trails, retaining walls, stormwater management facilities
	Open Space	Improvements that require mass grading, open-air surface parking lots, residential buildings	Stream restoration, primitive trails, landscaping, gardens, utilities (which cannot be reasonably located outside of open space area), and primitive buildings - see note 1 below)
	50' Forest Buffer	Residential & non-residential buildings, parking	Travel ways, ingress/egress, for grading and disturbance

*Accessway reservation area is shown for circulation feasibility purposes; this location is approximate and may change during site plan.

1. Primitive buildings and structures accessory to the recreational areas of the development, such as picnic pavilions, may be constructed within the portion of the open space area that is outside of the regulatory floodway, stream buffers, and preserved slopes. The maximum number of sites for primitive buildings or primitive structures or similar outdoor amenities shall be five (5). The maximum disturbance area of any individual primitive building or primitive structure or similar outdoor amenity shall be 500 square feet. The maximum aggregate disturbance area for all sites for primitive buildings or primitive structures or outdoor amenities shall be 1,500 square feet. Primitive buildings, primitive structures, and similar outdoor amenities are intended to serve as an accessory use to the recreational areas of the development and are not intended for human habitation.

Key
- FEMA BFE
- Stream
- WPO Buffer
- Waterway
- Steep Slopes: Preserved
- Steep Slopes: Managed

200 0 200 400 600
Graphic Scale: 1"= 200'

TMP(s) 32-5A & 32-5A1

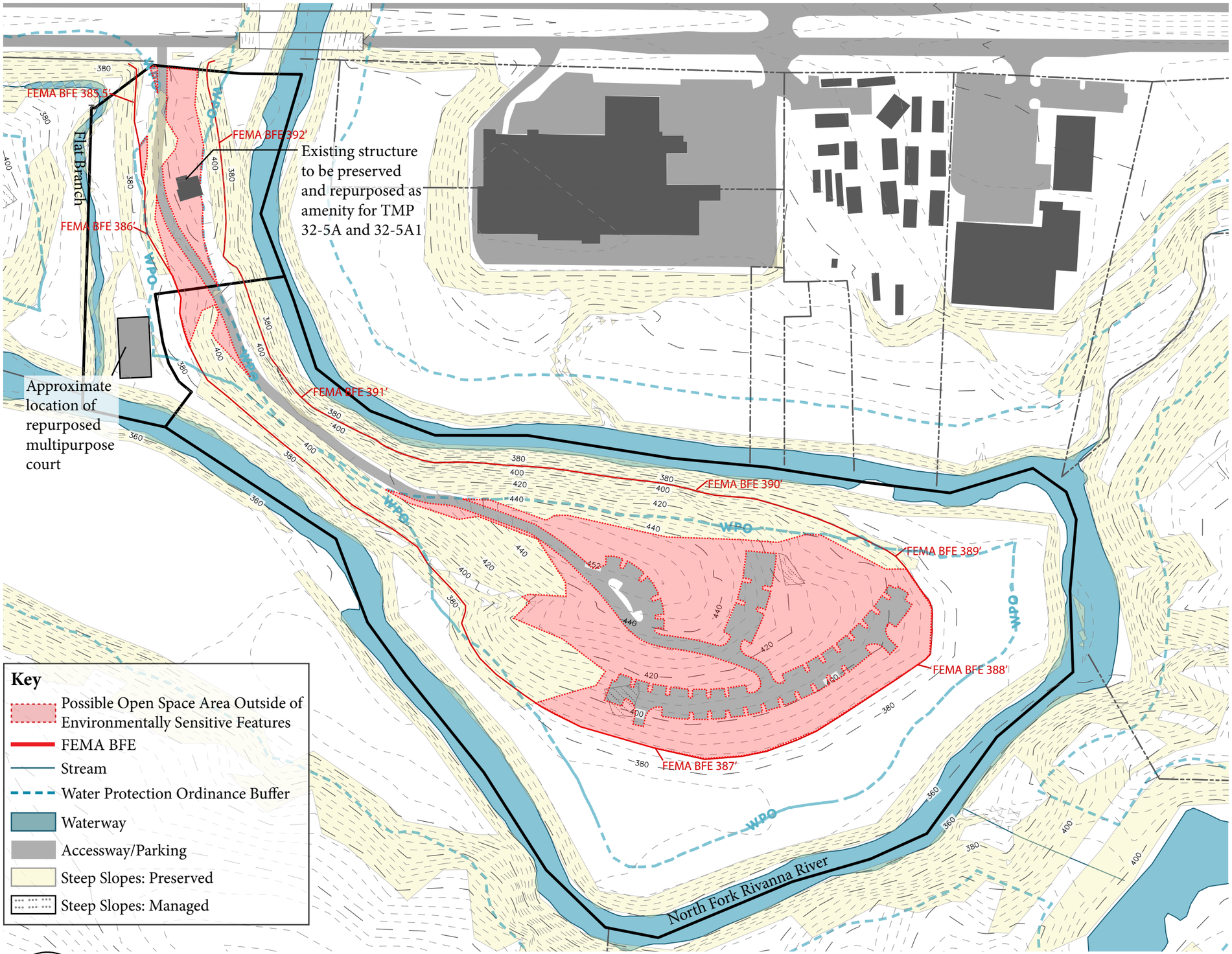
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RIVER'S EDGE
OPEN SPACE
Sheet 6 of 29



Additional Notes:

1. This open space exhibit shows possible open space area outside of environmentally sensitive features (steep slopes, floodplain, stream buffer). This does not depict total open space proposed for the property. For total open space, please see sheet 5 (Land Use Designations).

2. Total possible open space area outside of (1) environmentally sensitive features and (2) accessway and parking area is 5.37 acres.

3. Total building footprint area (not shown) is approximated at no greater than 60,000 sq. ft., therefore, possible open space area outside of (1) environmentally sensitive features, (2) accessway and parking area, and (3) building footprints is 4 acres.

4. Total area of the property is 32.52 acres; total required open space is 8.13 acres, with 1.62 acres required outside of such environmental features.

4. Open space and recreational areas will comply with Section 4.7 and 4.16 of the Albemarle County Zoning Ordinance, unless substitutions for facilities and equipment as provided for in this application are approved by the Director of Planning and Community Development.

TMP(s) 32-5A & 32-5A1

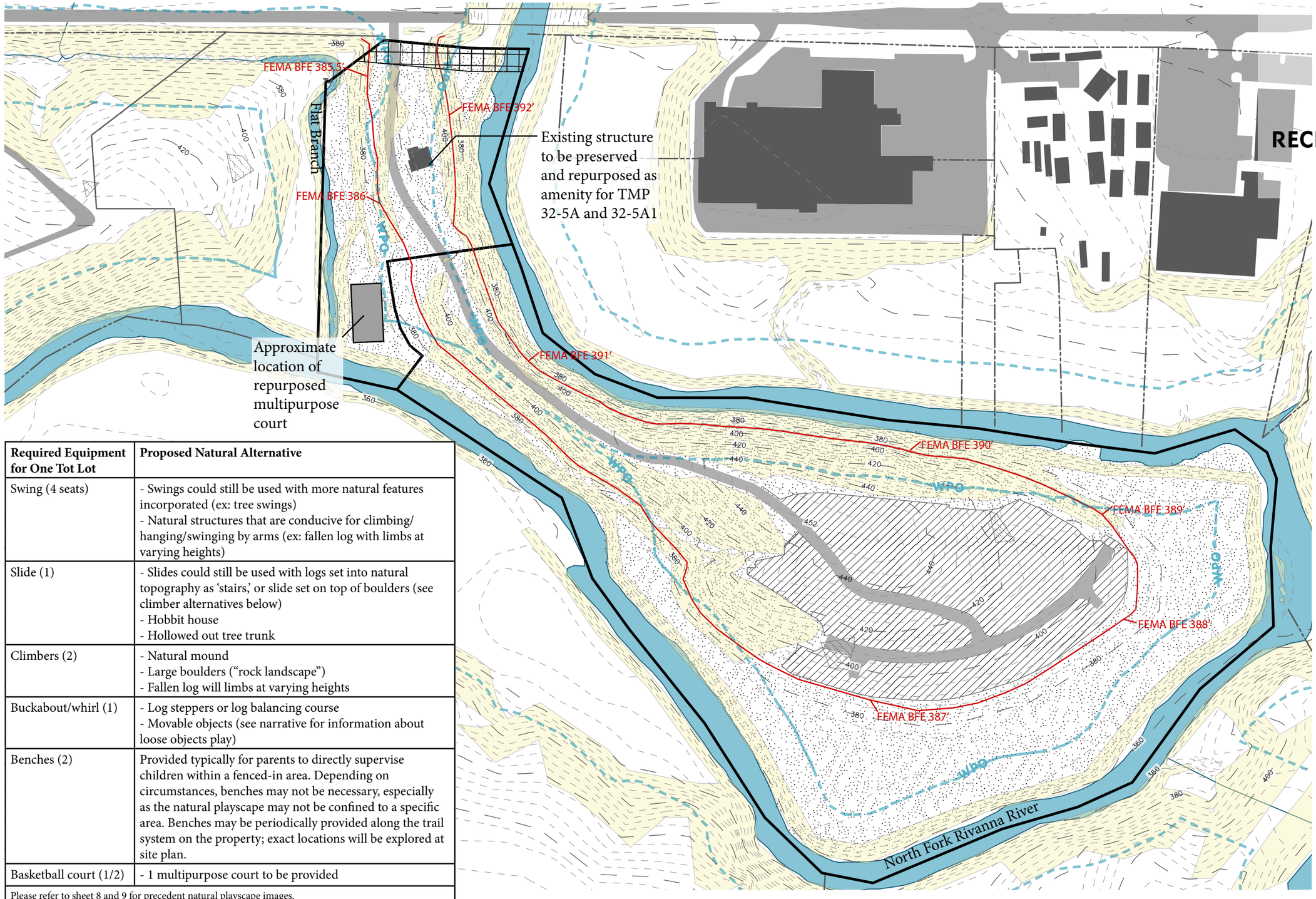
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RIVER'S EDGE
OPEN SPACE & RECREATIONAL FACILITIES



Required Equipment for One Tot Lot	Proposed Natural Alternative
Swing (4 seats)	- Swings could still be used with more natural features incorporated (ex: tree swings) - Natural structures that are conducive for climbing/ hanging/swinging by arms (ex: fallen log with limbs at varying heights)
Slide (1)	- Slides could still be used with logs set into natural topography as 'stairs,' or slide set on top of boulders (see climber alternatives below) - Hobbit house - Hollowed out tree trunk
Climbers (2)	- Natural mound - Large boulders ("rock landscape") - Fallen log will limbs at varying heights
Buckabout/whirl (1)	- Log steppers or log balancing course - Movable objects (see narrative for information about loose objects play)
Benches (2)	Provided typically for parents to directly supervise children within a fenced-in area. Depending on circumstances, benches may not be necessary, especially as the natural playscape may not be confined to a specific area. Benches may be periodically provided along the trail system on the property; exact locations will be explored at site plan.
Basketball court (1/2)	- 1 multipurpose court to be provided
Please refer to sheet 8 and 9 for precedent natural playscape images.	

200 0 200 400 600
Graphic Scale: 1"=200'

Additional Notes:

1. Minimum 2,600 linear feet of primitive trails to be provided. Please refer to sheet 11 (Proposed Circulation) for proposed path locations.

Key

- FEMA BFE
- Stream
- WPO Buffer
- Waterway
- Steep Slopes: Preserved
- Steep Slopes: Managed
- Accessway Reservation*
- Buildable Area*
- Open Space*
- 50' Forested Buffer*

*See sheet 5 for land use details

TMP(s) 32-5A & 32-5A1

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Bienenstock Natural Playground , Ontario, Canada
Loose parts play



Bienenstock Natural Playground, Ontario, Canada
Hobbit house / hollowed out tree trunk

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APPLICATION PLAN
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RIVER'S EDGE
PRECEDENT NATURAL PLAY IMAGES

Sheet 8 of 29

These images are included for precedent purposes for recreational facilities to be reviewed at site plan and do not demonstrate specific site improvements.



Nature Ridge Natural Playground, City of Staunton
Loose parts play



Nature Ridge Natural Playground, City of Staunton
Balancing course



Darlington Family Playgroup, Darlington, Washington
Music play

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RIVER'S EDGE
PRECEDENT NATURAL PLAY IMAGES

Welles Park Nature Play Space, Chicago, Illinois (Site Design Group)
Overview of Nature Play Programming



Marge and Charles Schott Nature PlayScape
Cincinnati Nature Center, Milford, Ohio
(GroundWork Design Cincinnati)
Hollowed natural mound



These images are included for precedent purposes for recreational facilities to be reviewed at site plan and do not demonstrate specific site improvements.

Welles Park Nature Play Space, Chicago, Illinois (Site Design Group)
Log Steppers



Welles Park Nature Play Space, Chicago, Illinois (Site Design Group)
Build Area / Loose parts play



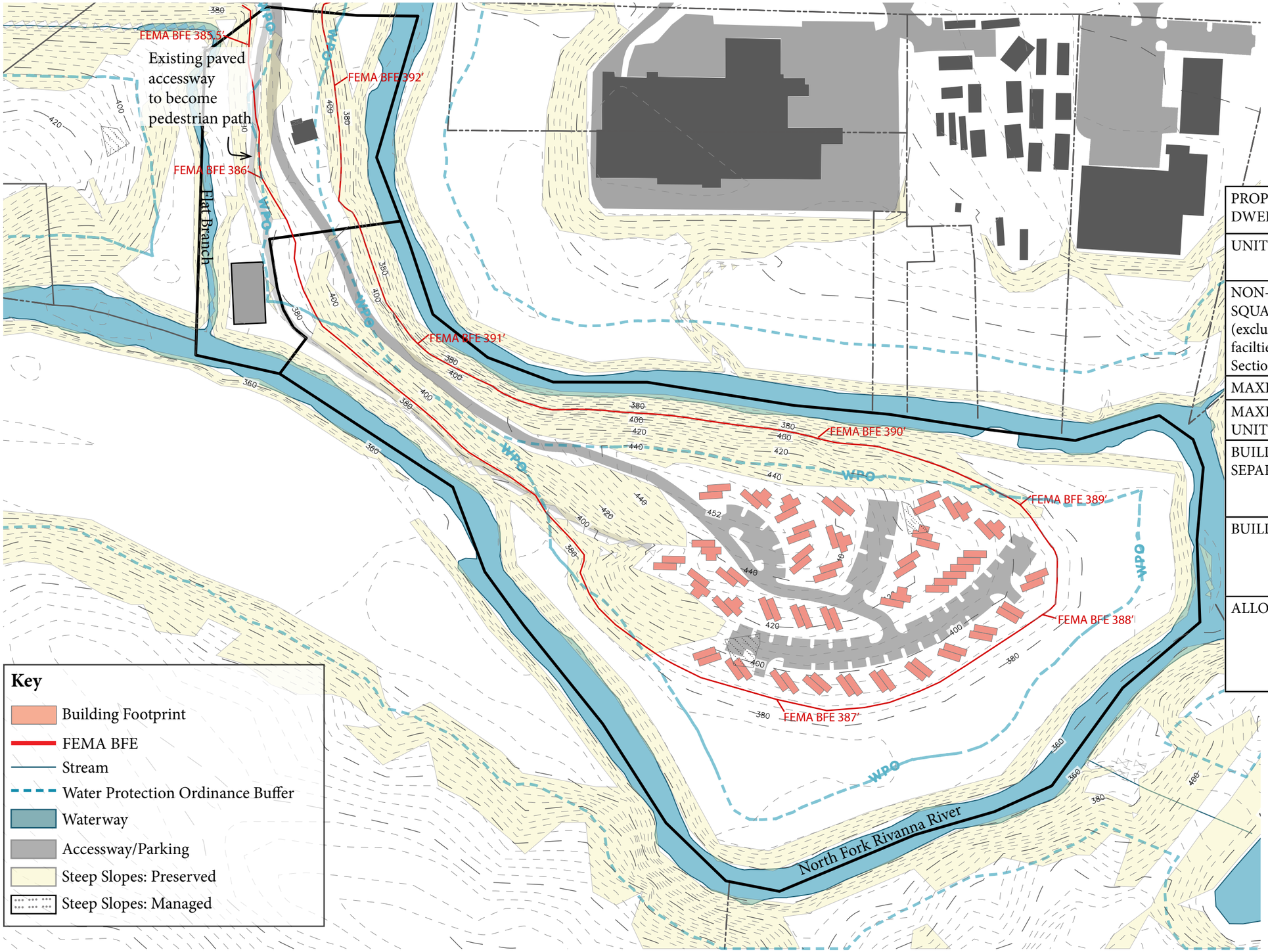
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RIVER'S EDGE
BUILDING ENVELOPE



PROPOSED # OF DWELLING UNITS[1]	100
UNIT TYPE	Single-family dwelling, two-family dwelling, triplex, quadruplex
NON-RESIDENTIAL SQUARE FOOTAGE (excluding recreational facilties required by Section 4.16)	4,000 SF
MAXIMUM HEIGHT	35'
MAXIMUM GFA PER UNIT	50 units: 1,200 SF + 50 units: 900 SF
BUILDING SEPARATION	10' unless the building shares a common wall; 5' off of each building side for a total of 10' between buildings
BUILD-TO LINES[2]	50' from US Route 29 5' from parking areas, travelways, accessways, and pedestrian paths
ALLOWABLE USES	Residential units as provided for in this Application Plan. Please refer to sheet 2 for by-right and special uses permitted on the property.

Additional Notes:

1. Total footprint area of residential buildings not to exceed 60,000 SF

2. Setbacks are not provided as the property is not to be subdivided.

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RIVER'S EDGE
PROPOSED CIRCULATION

Existing paved road to become pedestrian path

Future pedestrian connection across Flat Branch to TMP 32-22K1

Approximate location of repurposed multipurpose court

Existing structure to be preserved and repurposed as amenity for TMP 32-5A and 32-5A1

Pedestrian walkways on both sides of retaining wall

Pedestrian walkways

Fire access turnaround

Fire access turnaround

Flat Branch

North Fork Rivanna River

FEMA BFE 386'

FEMA BFE 392'

FEMA BFE 391'

FEMA BFE 390'

FEMA BFE 389'

FEMA BFE 387'

WPO

200 0 200 400 600

Graphic Scale: 1"= 200'

Key

- Public Access Pedestrian Path
- Future Pedestrian Connection
- Vehicular Circulation
- Primitive Trail (Internal Network)
- Retaining Wall
- FEMA BFE
- Stream
- Water Protection Ordinance Buffer
- Waterway
- Accessway/Parking
- Pedestrian Walkways
- Steep Slopes: Preserved
- Steep Slopes: Managed

TMP(s) 32-5A & 32-5A1

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RIVER'S EDGE
CONCEPTUAL WATER & SEWER

Existing ACSA manhole

Bore under Route 29 for public sewer

8" gravity main (typ.

New ACSA manhole

FEMA BFE 385.5'

Public water line

Existing paved road to become pedestrian path

FEMA BFE 392'

3" force main

FEMA BFE 386'

Flat Branch

FEMA BFE 391'

3" force main

FEMA BFE 390'

FEMA BFE 389'

3" force main

4" san lat (typ.)

8" gravity main (typ.)

Pump station with underground wet well

4" san lat (typ.)

8" gravity main (typ.)

Fire hydrant

FEMA BFE 388'

4" san lat (typ.)

8" gravity main (typ.)

FEMA BFE 387'

WPO

North Fork Rivanna River

200 0 200 400 600

Graphic Scale: 1"= 200'

Key

- Retaining Wall
- FEMA BFE
- Stream
- Water Protection Ordinance Buffer
- Waterway
- Accessway
- Pedestrian Walkways
- Steep Slopes: Preserved
- Steep Slopes: Managed

Additional Notes:

1. Structures to be metered according to ACSA regulations.

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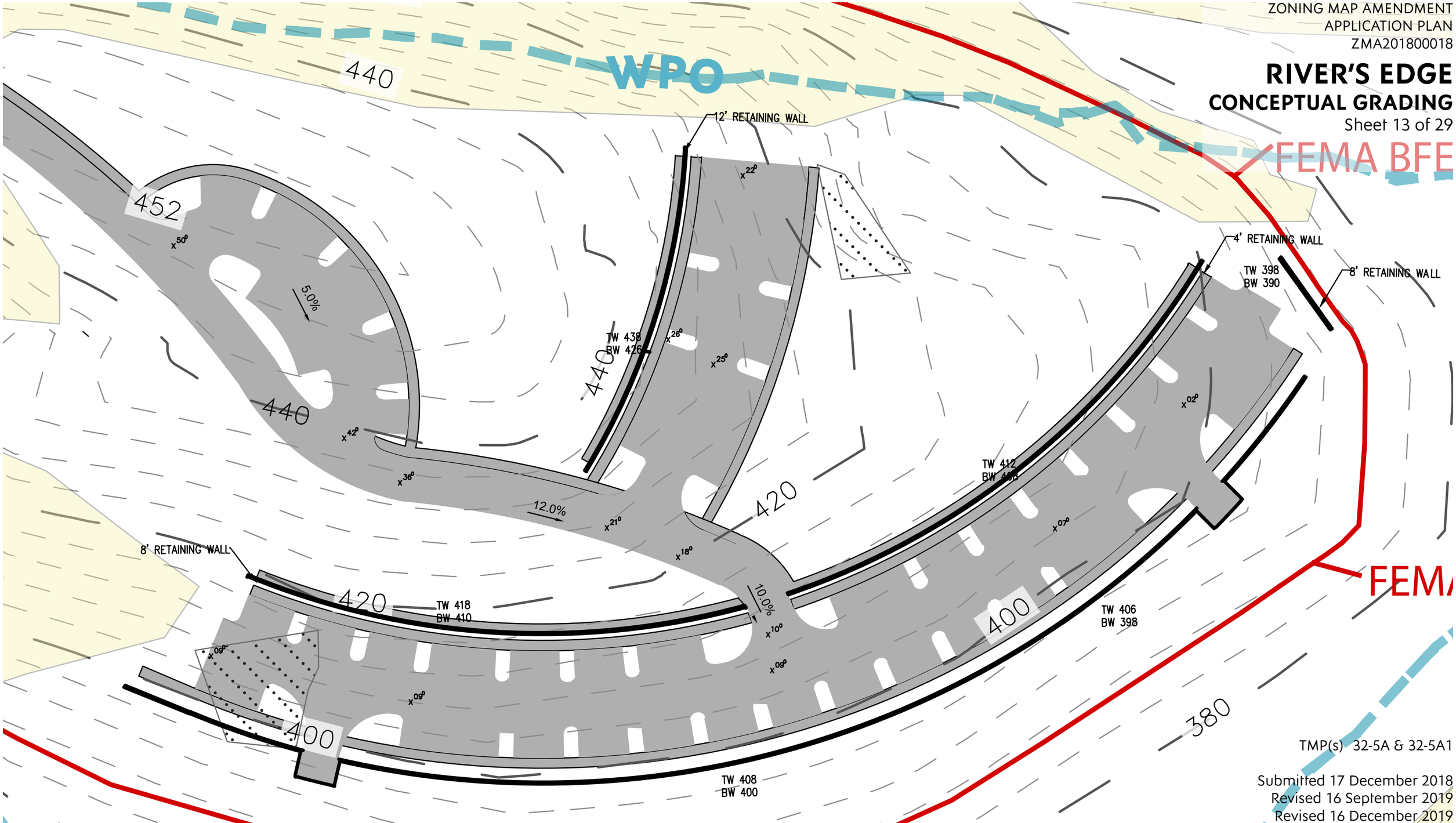
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APPLICATION PLAN
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RIVER'S EDGE
CONCEPTUAL GRADING

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50 0 50 100 150
Graphic Scale: 1"= 100'

Key

Steep Slopes: Preserved

Steep Slopes: Managed

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RIVER'S EDGE
ROAD GRADING + PROFILE

FEMA BFE 385.5'

FEMA BFE 392'

FEMA BFE 386'

WPO

WPO

WPO

Flat Branch

Existing accessway to be converted into pedestrian path

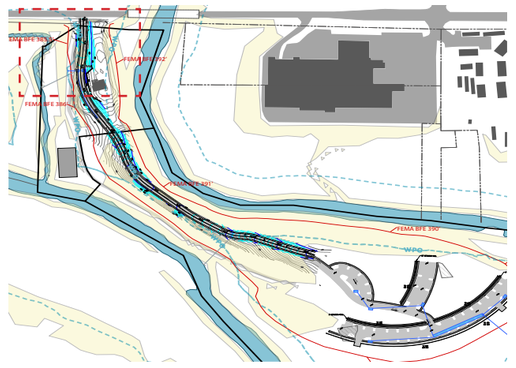
North Fork Rivanna River

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14+00

394
396
398
400
402
406

Additional Notes:

1. Topographic road survey completed by Brian Ray, Roger W. Ray & Associates, Inc. Surveying, September 2018



Key

- FEMA BFE per County GIS Elevations
- Stream
- Water Protection Ordinance Buffer
- Waterway
- Accessway
- Steep Slopes: Preserved

TMP(s) 32-5A & 32-5A1

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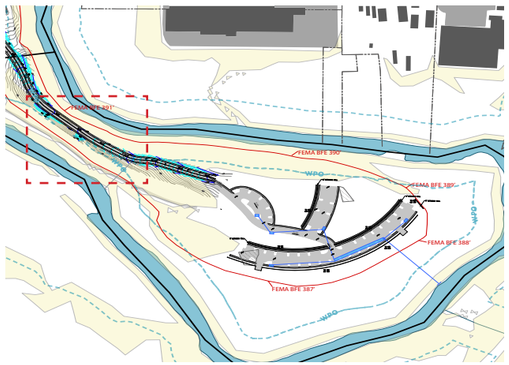
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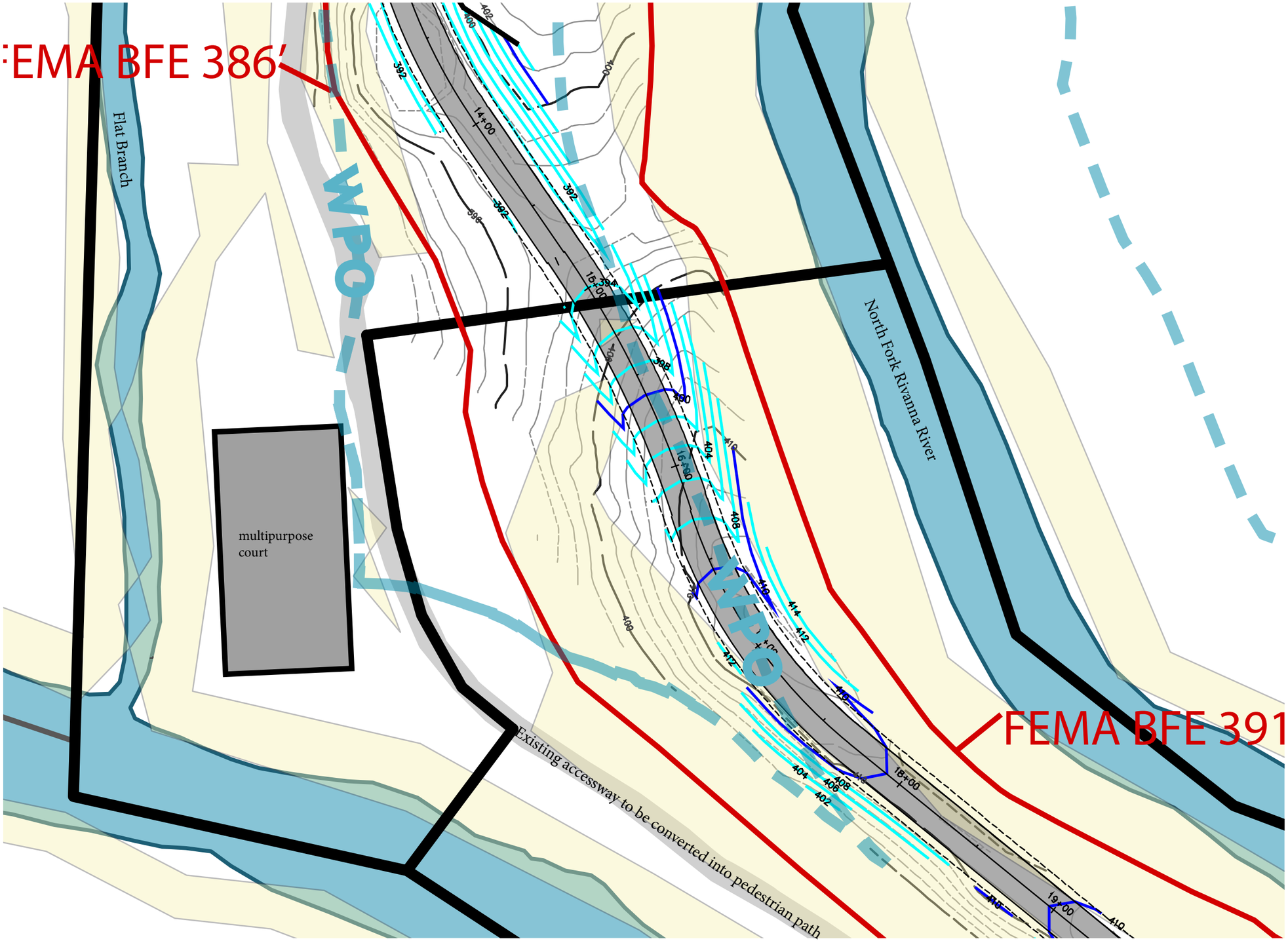
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RIVER'S EDGE
ROAD GRADING + PROFILE

Additional Notes:

1. Topographic road survey completed by Brian Ray, Roger W. Ray & Associates, Inc. Surveying, September 2018





Key

- FEMA BFE per County GIS Elevations
- Stream
- Water Protection Ordinance Buffer
- Waterway
- Accessway
- Steep Slopes: Preserved

50 0 50 100 150

Graphic Scale: 1"= 50'

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RIVER'S EDGE
ROAD GRADING + PROFILE

FEMA BFE 391'

North Fork Rivanna River

WPO

Existing accessway to be converted into pedestrian path

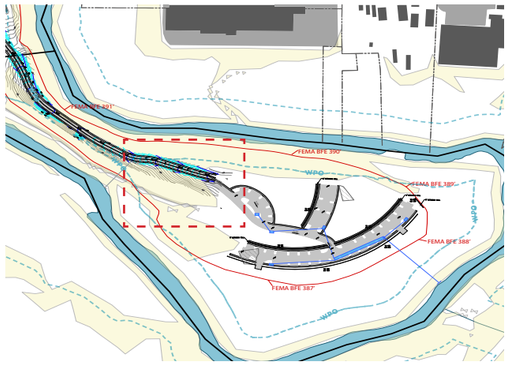
North Fork Rivanna River

15+00
19+00
20+00
21+00
22+00
23+00
24+00

50 0 50 100 150
Graphic Scale: 1"= 50'

Additional Notes:

1. Topographic road survey completed by Brian Ray, Roger W. Ray & Associates, Inc. Surveying, September 2018



Key

- FEMA BFE per County GIS Elevations
- Stream
- Water Protection Ordinance Buffer
- Waterway
- Accessway
- Steep Slopes: Preserved

TMP(s) 32-5A & 32-5A1

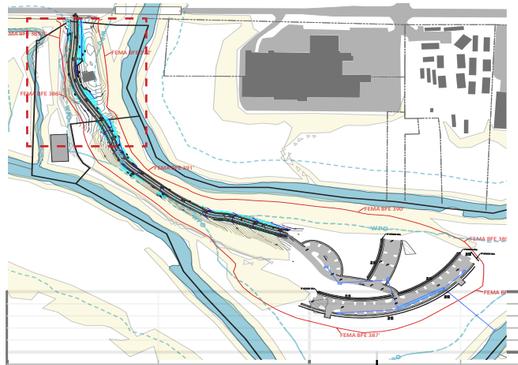
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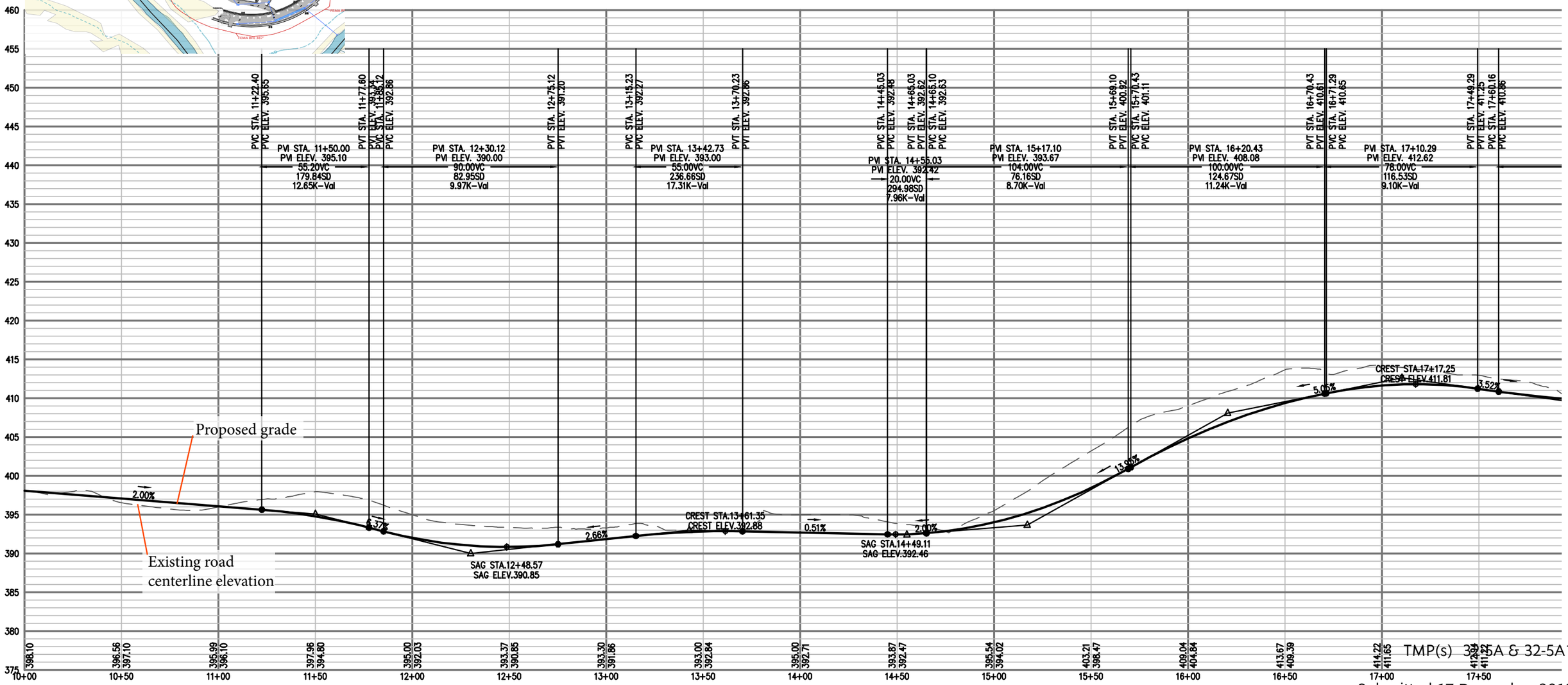
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RIVER'S EDGE
ROAD GRADING + PROFILE





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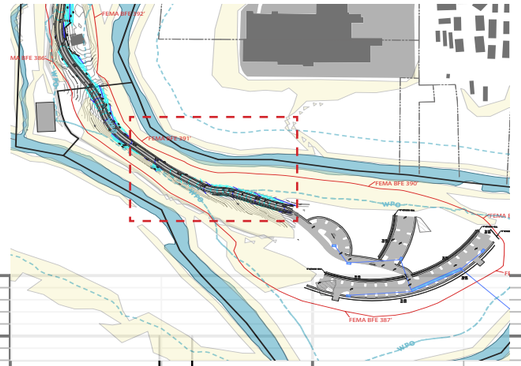
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Key
- Proposed Grade
- Existing Road Centerline Grade

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RIVER'S EDGE
ROAD GRADING + PROFILE



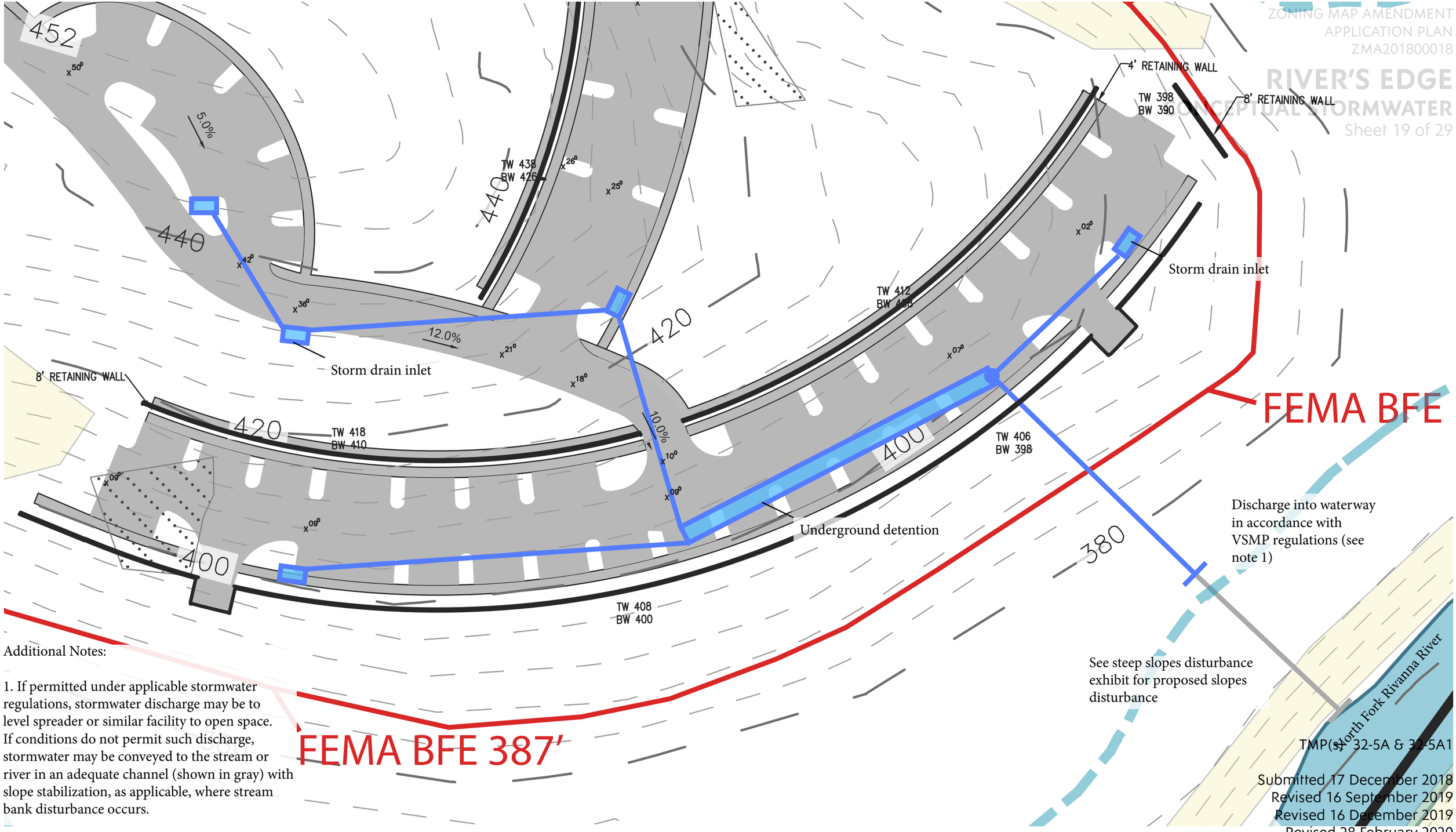
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50 0 50 100 150
Graphic Scale: 1"=50'

Key

- Proposed Grade
- Existing Road Centerline Grade



Additional Notes:

1. If permitted under applicable stormwater regulations, stormwater discharge may be to level spreader or similar facility to open space. If conditions do not permit such discharge, stormwater may be conveyed to the stream or river in an adequate channel (shown in gray) with slope stabilization, as applicable, where stream bank disturbance occurs.

50 0 50 100 150
Graphic Scale: 1"= 100'

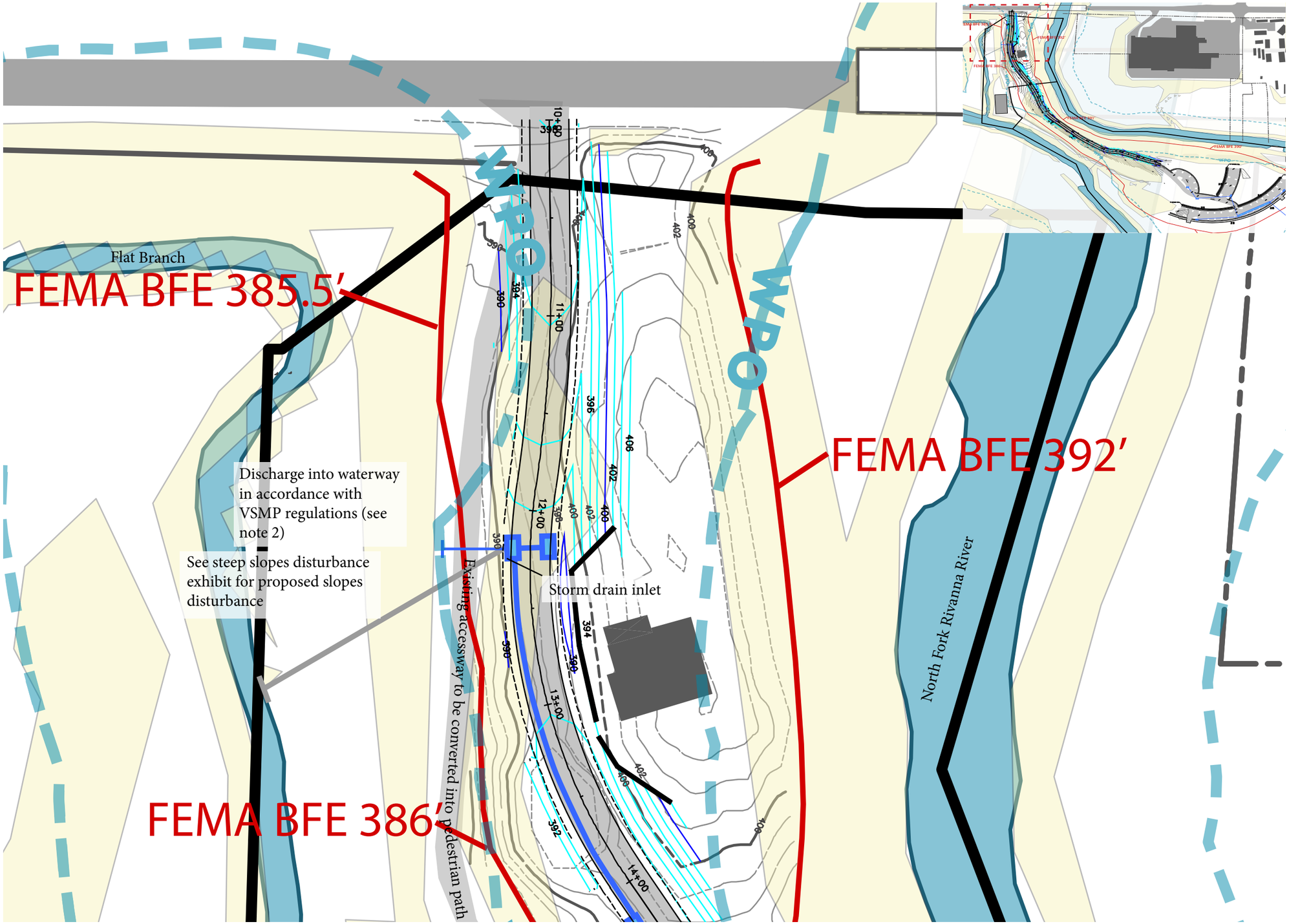
Key
- Steep Slopes: Preserved
- Steep Slopes: Managed

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RIVER'S EDGE
CONCEPTUAL STORMWATER



Additional Notes:

1. Topographic road survey completed by Brian Ray, Roger W. Ray & Associates, Inc. Surveying, September 2018

2. If permitted under applicable stormwater regulations, stormwater discharge may be to level spreader or similar facility to open space. If conditions do not permit such discharge, stormwater may be conveyed to the stream or river in an adequate channel (shown in gray) with slope stabilization, as applicable, where stream bank disturbance occurs.

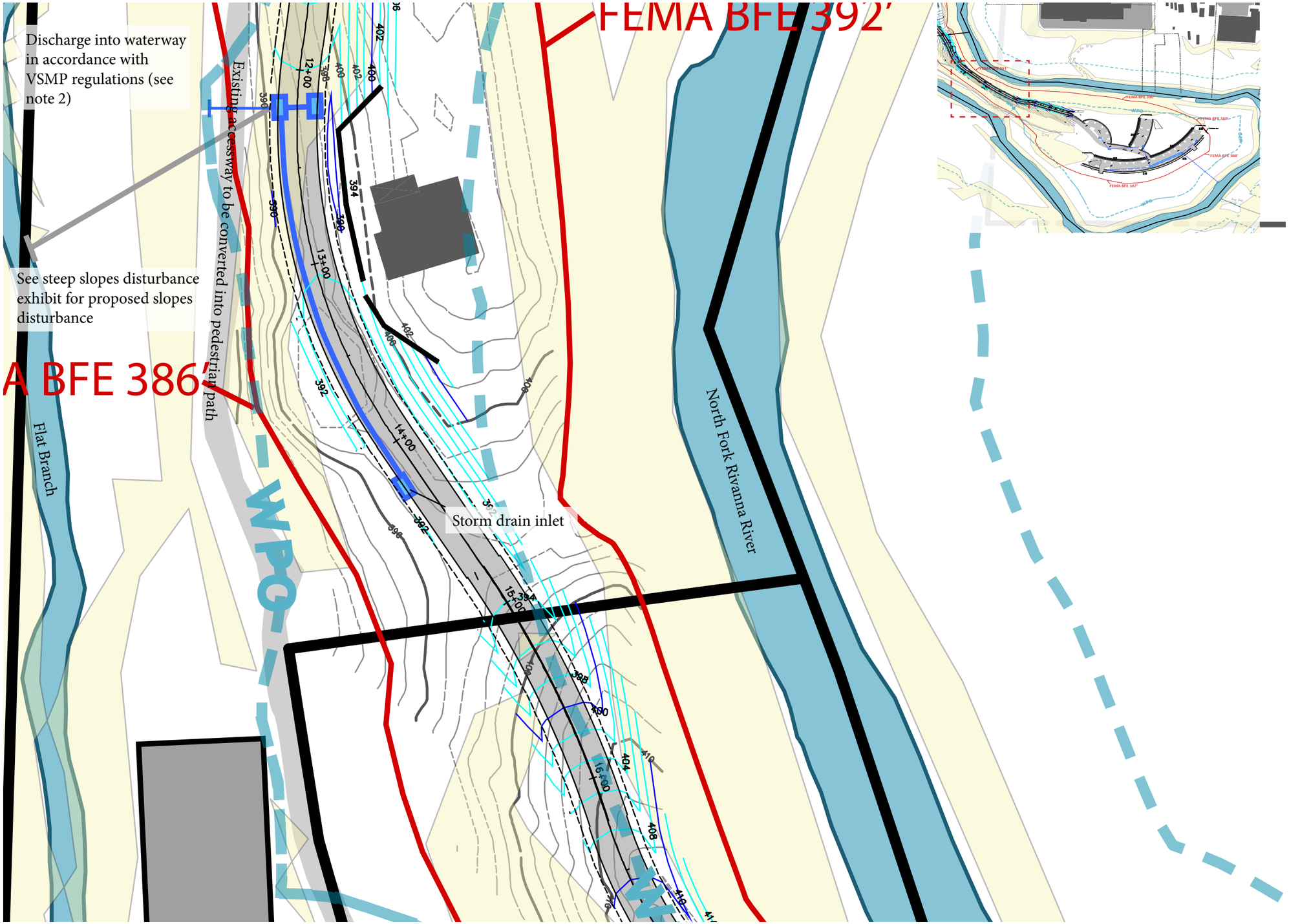
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RIVER'S EDGE
CONCEPTUAL STORMWATER

Additional Notes:

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2. If permitted under applicable stormwater regulations, stormwater discharge may be to level spreader or similar facility to open space. If conditions do not permit such discharge, stormwater may be conveyed to the stream or river in an adequate channel (shown in gray) with slope stabilization, as applicable, where stream bank disturbance occurs.

Key

- FEMA BFE Boundary
- Stream
- Water Protection Ordinance Buffer
- Waterway
- Accessway
- Steep Slopes: Preserved

50 0 50 100 150
Graphic Scale: 1"=50'

TMP(s) 32-5A & 32-5A1

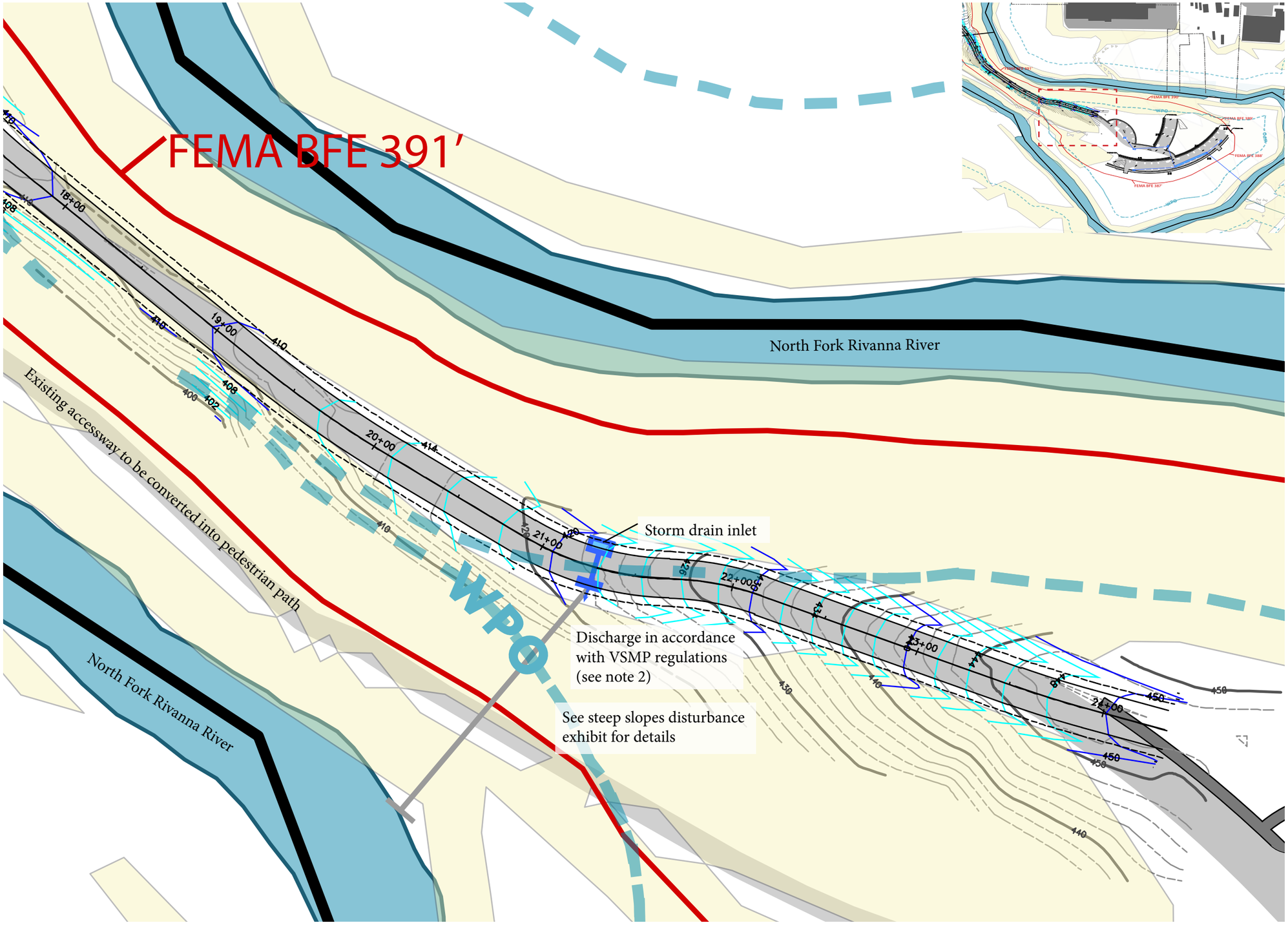
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RIVER'S EDGE
CONCEPTUAL STORMWATER



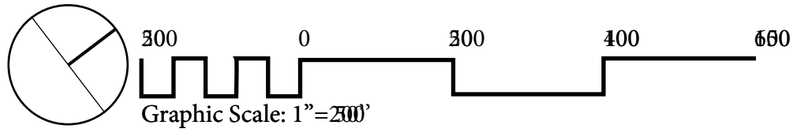
Additional Notes:

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2. If permitted under applicable stormwater regulations, stormwater discharge may be to level spreader or similar facility to open space. If conditions do not permit such discharge, stormwater may be conveyed to the stream or river in an adequate channel (shown in gray) with slope stabilization, as applicable, where stream bank disturbance occurs.

Key

- FEMA BFE Boundary
- Stream
- Water Protection Ordinance Buffer
- Waterway
- Accessway
- Steep Slopes: Preserved



TMP(s) 32-5A & 32-5A1

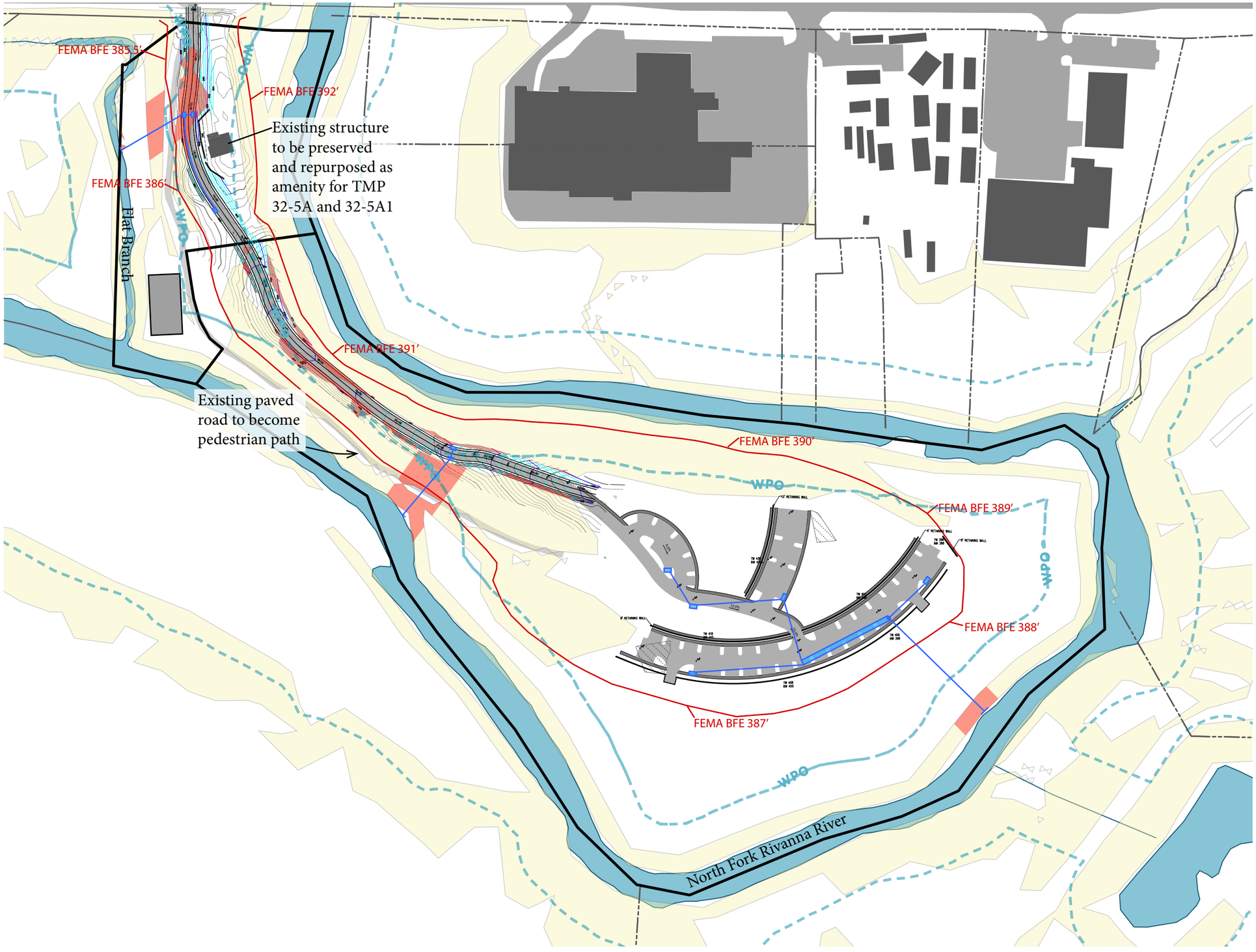
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ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA201800018

RIVER'S EDGE
STEEP SLOPES DISTURBANCE



Additional Notes:

1. Topographic road survey completed by Brian Ray, Roger W. Ray & Associates, Inc. Surveying, September 2018

2. Total disturbance of the steep slopes is approximately 39,100 square feet

3. If permitted under applicable stormwater regulations, stormwater discharge may be to level spreader or similar facility to open space. If conditions do not permit such discharge, stormwater may be conveyed to the stream or river in an adequate channel with slope stabilization, as applicable, where stream bank disturbance occurs.

Key

- FEMA BFE
- Stream
- Water Protection Ordinance Buffer
- Waterway
- Accessway
- Steep Slopes: Preserved
- Steep Slopes Disturance

200 0 200 400 600
Graphic Scale: 1"=200'

TMP(s) 32-5A & 32-5A1

Submitted 17 December 2018
Revised 16 September 2019
Revised 16 December 2019
Revised 28 February 2020
REVISED 14 APRIL 2020

project: 15.064

SHIMP ENGINEERING, P.C.

ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA201800018

RIVER'S EDGE
STREAM BUFFER DISTURBANCE

FEMA BFE 385.5'

FEMA BFE 392'

FEMA BFE 386'

FEMA BFE 391'

WPO

Existing structure to be preserved and repurposed as amenity for TMP 32-5A and 32-5A1

Existing paved road to become pedestrian path

Flat Branch

North Fork Rivanna River

Key

- FEMA BFE
- Stream
- Water Protection Ordinance Buffer
- Waterway
- Accessway
- Steep Slopes: Preserved
- Stream Buffer Disturance

100 0 100 200 300

Graphic Scale: 1"=100'

Additional Notes:

1. Topographic road survey completed by Brian Ray, Roger W. Ray & Associates, Inc. Surveying, September 2018

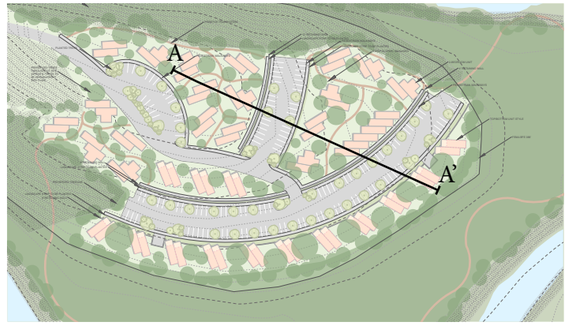
2. Total disturbance of the stream buffer is approximately 23,000 square feet

TMP(s) 32-5A & 32-5A1

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Revised 16 September 2019
Revised 16 December 2019
Revised 28 February 2020
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project: 15.064

SHIMP ENGINEERING, P.C.

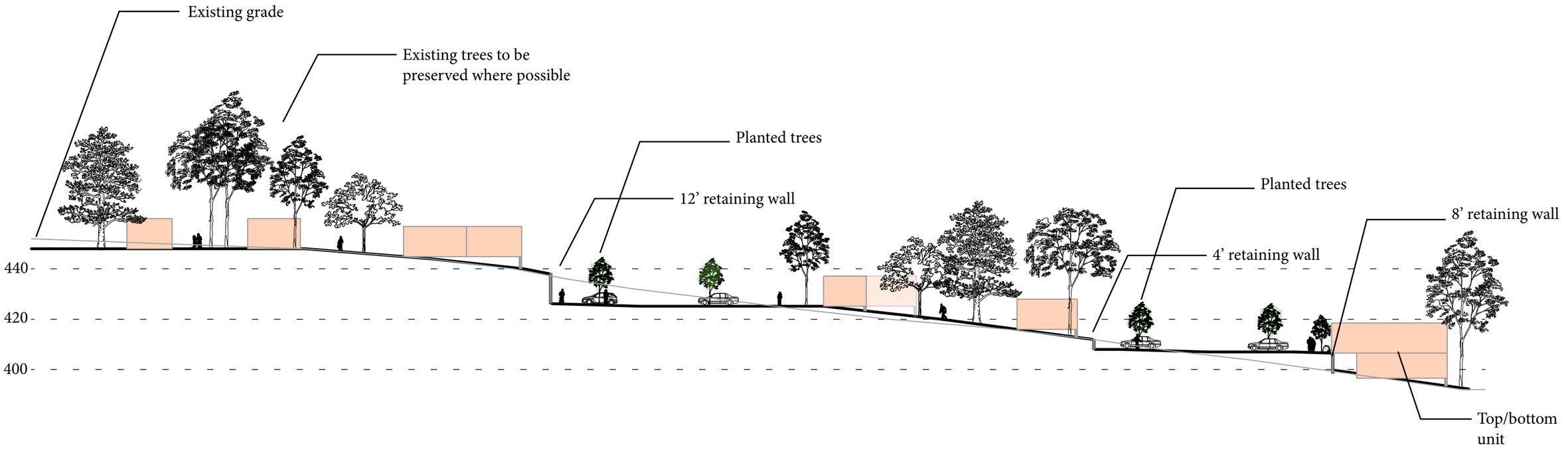


ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA201800018

RIVER'S EDGE

SITE SECTION A-A'

Sheet 25 of 29



40 0 40 80 120

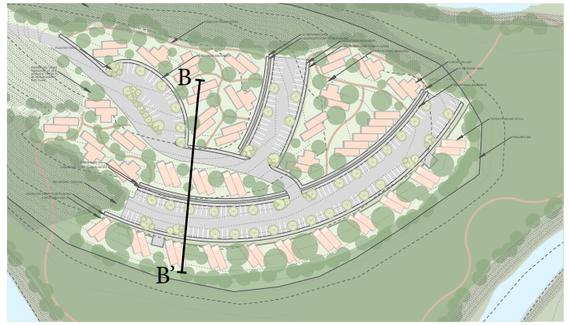
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TMP(s) 32-5A & 32-5A1

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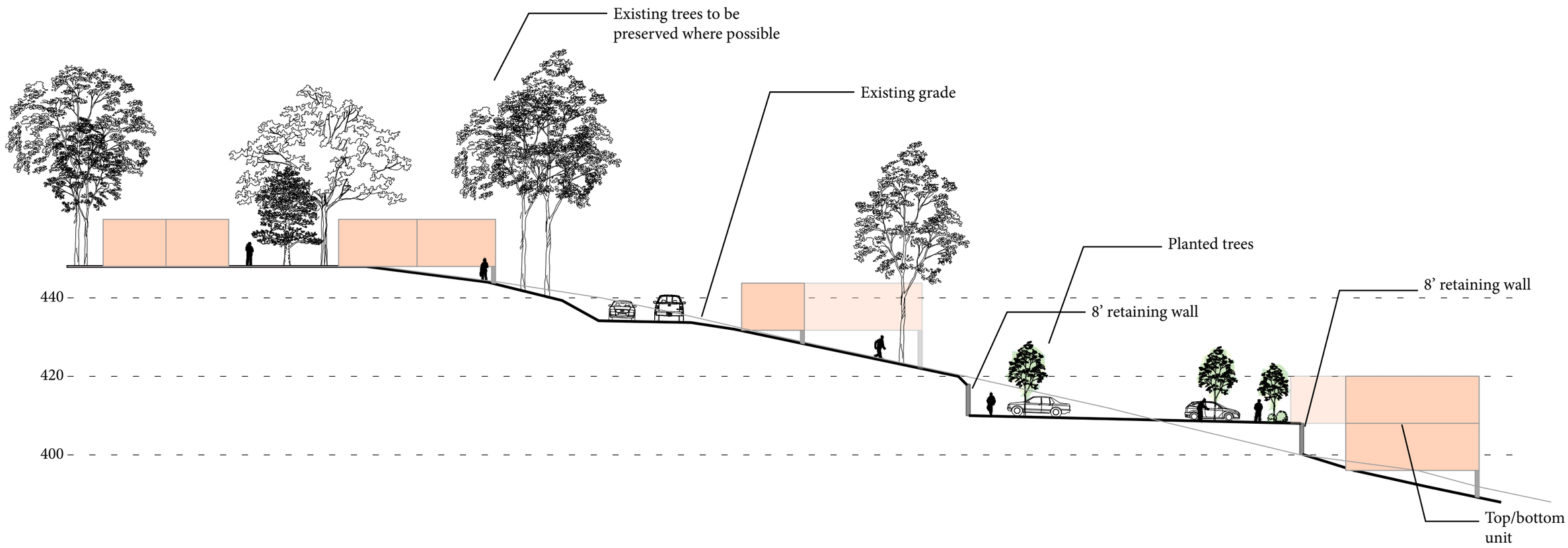
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ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA201800018

RIVER'S EDGE

SITE SECTION B-B'



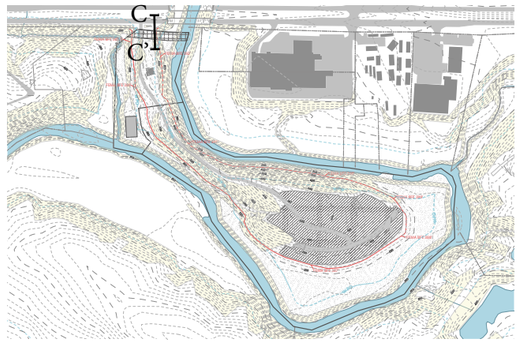
TMP(s) 32-5A & 32-5A1

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project: 15.064

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25 0 25 50 75
Graphic Scale: 1"=25'



Please refer to sheet 5 for land use designations; open space is immediately adjacent to the 50' forested buffer and extends beyond the area shown in the section.

ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA201800018

RIVER'S EDGE

SITE SECTION C-C'



10 0 10 20 30

Graphic Scale: 1"=10'

TMP(s) 32-5A & 32-5A1

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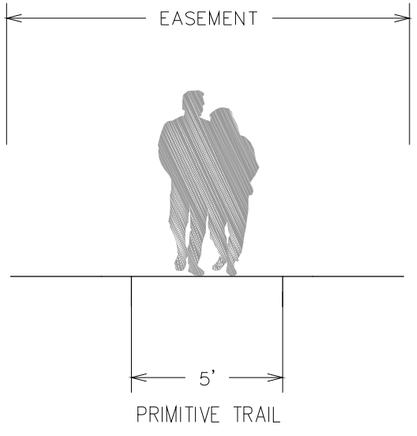
project: 15.064

SHIMP ENGINEERING, P.C.

RIVER'S EDGE
STREET SECTION

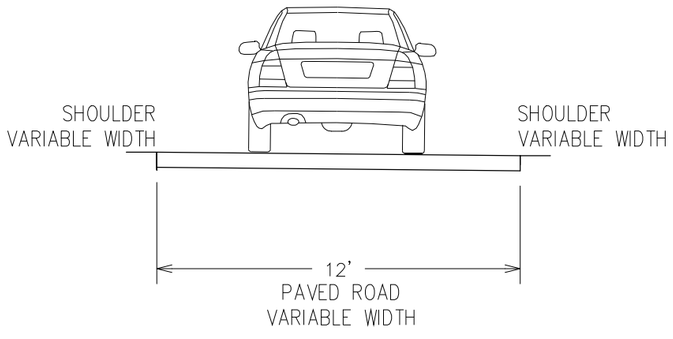
PRIMITIVE TRAIL SECTION

CLASS B – TYPE 1
PRIMITIVE NATURE TRAIL – PRIVATE

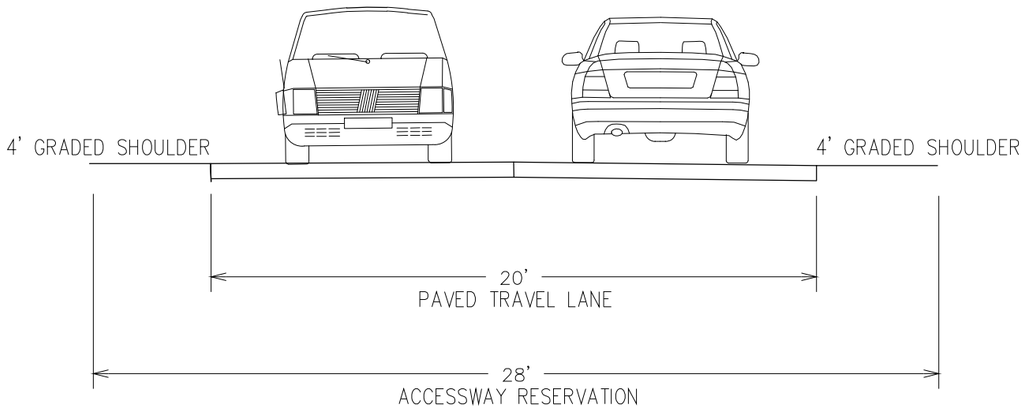


ACCESSWAY SECTION

EXISTING
RIVER'S EDGE ROAD



PROPOSED TYPICAL STREET SECTION
INTERNAL ROAD NETWORK



5 0 5 10 15
Graphic Scale: 1"=5'

TMP(s) 32-5A & 32-5A1

Submitted 17 December 2018
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SHIMP ENGINEERING, P.C.

RIVER'S EDGE
SUPPLEMENTARY REGULATIONS

A) AFFORDABLE HOUSING

15% of the total residential dwelling units within the project shall be For-Rent Affordable Dwelling Units (the "15% Affordable Housing Requirement"). For the purposes of these Supplementary Regulations, "affordable housing" shall mean units affordable for rent by households within incomes at or below eighty percent (80%) of the area median income (as determined from time to time by the Virginia Housing Development Authority). All renters of the Affordable Dwelling Units shall be approved by the Albemarle County Community Development Department. The 15% Affordable Housing Requirement may be met through a variety of housing unit types, including but not limited to, two-family dwellings, triplexes, and quadruplexes.

(1) Rental Rates.

The initial net rent for each rental housing unit which shall qualify as an Affordable Dwelling Unit, ("For-Rent Affordable Dwelling Unit") shall not exceed the then-current and applicable maximum net rent rate approved by the Albemarle County Community Development Department. In each subsequent calendar year, the monthly net rent for each For-Rent Affordable Dwelling Unit may be increased up to three percent (3%). The term "net rent" means that the rent does not include tenant-paid utilities. The requirement that the rents for such For-Rent Affordable Dwelling Units may not exceed the maximum rents established in this Section shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each For-Rent Affordable Dwelling Unit (the "Affordable Term").

(2) Conveyance of Interest.

All deeds conveying any interest in the For-Rent Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this Section. In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this Section. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Dwelling Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this Section have been satisfied.

(3) Reporting Rental Rates.

During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Dwelling Unit, the Applicant or its successor shall provide to the Albemarle County Community Development Department a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the Applicant or its successor shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

(4) Tracking.

Each subdivision plat and site plan for land within the Property shall: i) designate the units, as applicable, that will constitute Affordable Dwelling Units within the Project and ii) contain a running tally of the Affordable Dwelling Units either constructed or contributed for under this Section. The designated units shown on each site plan shall designate 15% of the total units shown as Affordable Dwelling Units. The 15% Affordable Housing Requirement shall be satisfied prior to more than sixty-five percent (65%) completion of the Project.

TMP(s) 32-5A & 32-5A1

Submitted 17 December 2018
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project: 15.064

SHIMP ENGINEERING, P.C.

ZONING MAP AMENDMENT
ZMA201800018

RIVER'S EDGE
CONCEPT EXHIBIT
Sheet 1 of 1



60 0 60 120 180
Graphic Scale: 1"= 60'

Additional Notes:
1. Concept Plan is for illustrative purposes only

TMP(s) 32-5A & 32-5A1

Submitted 17 December 2018
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SHIMP ENGINEERING, P.C.

Albemarle County Planning Commission
FINAL Minutes March 10, 2020

The Albemarle County Planning Commission held a public hearing on Tuesday, March 10, 2020 at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Jennie More; Bruce Dotson; Rick Randolph; Corey Clayborne; *and* Luis Carrazana, UVA Representative.

Other officials present were Cameron Langille; Tori Kanellopoulos; Frank Pohl; Megan Nedostup; David Benish, Chief of Planning; Charles Rapp, Planning Director; Jodie Filardo, Director of Community Development; Amelia McCulley, Deputy Director of Community Development; Kevin McDermott; Megan Nedostup; Frank Pohl; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins called the regular meeting to order at 6:00 p.m. and established a quorum.

Consent Agenda

Ms. Firehock moved to approve the Consent Agenda. Mr. Randolph seconded the motion, which carried unanimously (6:0). (Mr. Clayborne abstained.)

Recess

At 9:06 p.m., Mr. Bivins announced a recess.

At 9:20 p.m., Mr. Bivins called the meeting back to order.

Public Hearings (continued)

ZMA201800018 and SP201800023 River's Edge

Ms. Tori Kanellopoulos, Senior Planner, said she was also joined by County Engineer Mr. Frank Pohl. She said this is a request to rezone from RA Rural Area to PRD Planned Residential District on two parcels totaling 32.52 acres at 2260 Rivers Edge Lane. She said there is also a request for a Special Use Permit to disturb preserved slopes for an accessway and for stormwater management facilities.

Ms. Kanellopoulos said she would start by talking about the context of the site, then discuss the proposed Application Plan for the rezoning, discuss the proposed Special Use Permit, staffs recommendation, and the motions.

Ms. Kanellopoulos said the proposed development is located at River's Edge Lane off of Route 29. She said it is approximately one-quarter mile north of the intersection of Lewis and Clark Drive and Route 29, at the UVA Research Park. She said there are several commercial uses north of the site, and a federal government facility. She said there are forested parcels in the Rural Area located to the east and south.

She said the adjacent parcel directly to the south is currently undeveloped; however, it is also in the development area.

Ms. Kanellopoulos said the site currently consists of approximately 14 dwelling units, which are currently rental units. She said the properties are bordered by the Rivanna River. She said there are two accessways that run through the property called Rivers Edge Road and River's Edge Lane, and that these two accessways connect and create a loop through the site. She said there is an existing basketball court near the front of the site.

Ms. Kanellopoulos presented additional photographs from the site that show conditions of the existed accessways and the forested character of the site. She presented photographs showing views of the Rivanna River from the site, and another view of the existing accessway.

Ms. Kanellopoulos said the property is currently zoned Rural Area, which allows residential densities of 0.5 units per acre; however, subdividing the property would likely not be feasible. She said nearby zoning districts include Commercial, Industrial, and Residential Districts.

Ms. Kanellopoulos said there are significant environmental features on the site. She said there are preserved slopes (shown on the map in green), stream buffers (shown in dark blue), and flood plains (shown in light blue). She said the existing accessway is in the stream buffer flood plain and preserved slopes. She said the proposed accessway is in the stream buffer and slopes, but not in the flood plain. She said there are approximately 8.62 acres out of the total, outside of those environmental features.

Ms. Kanellopoulos said the properties are designated Neighborhood Density Residential and Private Open Space in the Places29 Master Plan. She said the Neighborhood Density Residential classification calls for residential uses between 3 and 6 units per acre. She said the proposal is above the recommended density in the Comprehensive Plan.

Ms. Kanellopoulos said the private open space and environmental features include the areas in the flood plain, steep slopes, and stream buffer. She said no residential units or parking are located within the environmental features.

Ms. Kanellopoulos said this proposal is also consistent with several Comprehensive Plan policies, including the Growth Management policy; efficient use of the Development Area; promoting density within the Development Areas to help create new, compact urban places; the housing policy of having at least 15% affordable units with rezoning; directing affordable housing activities to the Development Areas; and having hard edges with the Rural Area.

Ms. Kanellopoulos said the proposed development is within the Entrance Corridor and is providing the 50-foot forested buffer called for in the Master Plan.

Ms. Kanellopoulos said the applicant proposes to rezone the 32.52 acres from Rural Area to Planned Residential Development. She said the proposal is for a maximum of 100 dwelling units, each of which is size restricted to a maximum of 1,200 square feet. She said all of the units are rentals, as the property cannot be feasibly subdivided. She said access to the site will be provided using the existing entrance off of Route 29.

Ms. Kanellopoulos said as would be discussed later in the presentation, the applicant has also requested a Special Use Permit to disturb steep slopes to widen the accessway and to install stormwater management facilities.

Ms. Kanellopoulos said the application meets the requirement for a minimum of 25% open space and proposes a variety of amenities, including trails and playgrounds.

Ms. Kanellopoulos said the applicant has also requested a central sewage system per County Code 16-102. She said this request must be approved by the Board of Supervisors.

Ms. Kanellopoulos said as outlined in the staff report, staff has not found any inconsistencies in the Comprehensive Plan with this request. She said the Virginia Department of Health, Albemarle County Service Authority, and engineering review and approval are required prior to central system plan approval.

Ms. Kanellopoulos said Strategy 8c in the Development Areas chapter of the Comprehensive Plan states that density should be calculated using net density by excluding areas not suitable for development, including steep slopes, stream buffers, flood plains, and areas identified as Parks and Green Systems. She said the proposed development has a gross density of 3 units per acre and a net density of 12 units per acre. She said the Master Plan recommends a maximum of 51 units, using the calculation of net density.

Ms. Kanellopoulos said 100 units are proposed, with a range of detached, duplexes, triplexes, and four-plexes, which is double the recommended density in the Comprehensive Plan. *She* said all of the units are size restricted, with a maximum gross floor area of 1,200 square feet each.

Ms. Kanellopoulos said the applicant has included information regarding accessory units in their narrative as justification for the additional units. She said specifically, the applicant has compared the additional density proposed with this development to be comparable with a more traditional single-family development with accessory units, which are permitted in the Zoning Ordinance and do not count toward the overall density.

Ms. Kanellopoulos said the applicant compares the following scenarios: the applicant could construct larger single-family homes, each of which would have an accessory dwelling unit, which would not count toward density. She said that for example, a 3,000-square-foot house could have an accessory unit that could be 1,050 square feet in size. She said alternatively, as the applicant proposes, the applicant could construct 100 units and size restrict the units so that the overall impact would be similar to 50 larger single-family units.

Ms. Kanellopoulos said there is not sufficient guidance in the Comprehensive Plan for staff to determine when it may be acceptable to exceed the Comprehensive Plan recommended density. She said Master Plans are drafted and adopted through a community-driven process, including review of future land use designations and categories. She said therefore, staff has included exceeding the recommended density as a factor unfavorable with this application and previous applications, and recommends that the density be reduced to meet recommendations in the Master Plan. She said staff welcomes further recommendation and guidance from the Planning Commission.

Ms. Kanellopoulos said the proposal also extends the existing multiuse path, as shown in the Places29 Master Plan. She said in consultation with Parks and Recreation, staff finds that a future public connection with the adjacent parcel to the south (Tax Map Parcel 32-22, K1) would allow for the trail network to connect to North Point and therefore, to the greater trail network.

Ms. Kanellopoulos said Parks and Recreation is planning to eventually connect the trails on each side of Route 29 with a future crossing near this area. She explained that the red arrows on the map showed the approximate location of the public connection that Parks and Rec has identified as an important section of the overall trail. She said staff recommends that the applicant coordinate with Parks and Recreation and Planning staff prior to the Board meeting to determine how best to make this connection.

Ms. Kanellopoulos presented a slide showing the topography and imagery of the area where the path is proposed. She noted that to the left in the image was where the area starts to slope downward and becomes more challenging to install the trail.
Ms. Kanellopoulos said the applicant has also requested a Special Use Permit to disturb preserved slopes to widen the accessway to meet County standards, and to install stormwater management facilities. She said the requested area of disturbance is 39,100 square feet (shown in orange in the Application Plan). She said the County Engineer and Planning staff have no objection to the request. She said the applicant would need County Engineer review and approval of a Virginia Stormwater Management Program application, meeting the steep slope standards of County Code 18-30.7.5, prior to any disturbance activities.

Ms. Kanellopoulos said while there will be some impacts to environmental resources with this development, the County Engineer and Planning staff find the impacts to preserved slopes to be acceptable and find that there would not be substantial negative impacts. She said no buildings or parking are in steep slopes, nor the stream buffer, nor flood plain. She said disturbance of preserved slope is necessary to allow for vehicular access to the site.

Ms. Kanellopoulos said the proposed development provides trails throughout the development and gives residents access to the scenic environmental resources on the site. She said the Natural Resources chapter (Chapter 4) of the Comprehensive Plan highlights the importance of protecting water and topographical resources in the County, especially the water quality of the Rivanna River. She said Strategy 5c states that steep slopes in the Development Areas should be protected, especially those adjacent to streams.

Ms. Kanellopoulos said the potential negative impacts to environmental features are considered against the beneficial aspects of the proposal, including providing affordable housing and directing development to the Development Areas.

Ms. Kanellopoulos said the accessway will not be a private street, but it will have the design and appearance of a rural road section, widening the existing accessway from 12 feet of travelway (plus some shoulder area) to 28 feet, with 20 feet of travelway and 4 feet on each side for shoulders. She said the wider accessway is needed for safe and convenient vehicular travel, and for access for emergency vehicles. She said further development of the site is not feasible without widening the accessway.

Ms. Kanellopoulos noted that while disturbance of steep slopes is needed for the accessway, disturbance of steep slopes for stormwater management facilities may not be ultimately needed during site planning. She said the applicant has chosen to include the disturbance request for the stormwater management facilities with this application so that the full request is contained in one Special Use. Permit, and so the applicant does not need to submit an additional Special Use Permit in the future, should the disturbance be necessary.

Ms. Kanellopoulos said the applicant shows three locations for potential slope disturbance for stormwater management facilities. She said the County Engineer has reviewed the general location of the proposed facilities and found them to be acceptable.

Ms. Kanellopoulos said staff has found the following favorable and unfavorable factors for this proposal. She said staff finds that the request is consistent with the majority of the recommendations in the Places29 Master Plan, Comprehensive Plan, and Neighborhood Model principles; and is meeting the County's affordable housing policy. She said staff notes that the proposal is above the recommended density in the Master Plan, and that there are potential negative impacts with steep slope disturbance.

Ms. Kanellopoulos said based on the favorable factors and analysis, as outlined in the staff report, staff recommends approval of the rezoning request with the following changes. She said staff recommends that the application not exceed the recommended density in the Master Plan, and that the applicant coordinate with Parks and Recreation and Planning staff prior to the Board meeting to determine how best to make a public trail connection, as proposed in the Places29 Master Plan.

Ms. Kanellopoulos said staff also recommends approval of the Special Use Permit request, with the following proposed conditions. She noted there was a slight change to Condition #5 to specify the types of erosion and sediment control measures not allowed in the flood plain. She said other than that change, the conditions on the screen were the same as those in the staff report.

Ms. Kanellopoulos presented rezoning motions and Special Use Permit motions for the Commission's consideration.

Mr. Randolph said in the community meeting on January 17, 2019, 60 units were proposed, and that they were now looking at a total of 100 units. He said it was unusual for the Commission to see a community meeting with a number of units proposed, then have the number increase after the community meeting. He asked for an explanation of how this came to pass.

Ms. Kanellopoulos replied that the overall area of disturbance and construction is the same, but that the units are now more clustered together. She said staff did not require the applicant to come back for another community meeting.

Ms. Megan Nedostup (Community Development staff) said she attended the first community meeting and that there was one adjacent owner across Route 29 who was interested in what was going on. She said she didn't see the need to have an additional community meeting, since it wasn't highly attended.

Mr. Randolph said he thought Ms. Nedostup was misunderstanding his question. He said he wasn't asking why there wasn't another meeting held, *but* that he was struck by the fact that the number in the application went from 60 up to 100 units. He said usually, the Commission sees the movement in the other direction.
Ms. Nedostup replied that the applicant could speak more about the reasoning, but that she believes they were looking at a different type of development, which is *the* proposal that was in front of the Commission, versus what they originally anticipated when they came in with the application.

Mr. Randolph asked if River's Edge holdings should financially fail, had there been any discussion by staff who would become responsible for paying for system monitoring and generation upkeep of the central sewage system proposed in the application.
Ms. Firehock said she thought it was a pump station.

Mr. Randolph agreed it was a pump station, pointing out that it was a facility, and that he wanted to know who would maintain it going forward.

Ms. Nedostup replied that the applicant could answer, but she believed it was a private facility that would be maintained by the homeowner's association.

Mr. Randolph said they would have a discussion about the liquidity of the homeowner's association and fees associated. He asked if staff has thought in any way about the unaddressed impact of the trails going in here, and no money proposed to go towards trail construction on the site.

Ms. Kanellopoulos replied that some of the trails are private. She said the trails farther back on the site where the homes are would be private. She said in talking with Parks and Recreation staff, they felt that this would be appropriate. She said the main connection they want to make is getting from North Point up to Route 29, then crossing the bridge.

Ms. Kanellopoulos said the applicant is providing a trail connection up to Route 29, which would be along the frontage of Route 29. She said this would likely need to be constructed at a later date, given the topography. She said she didn't know if Parks and Recreation was ready to determine exactly what needs to be constructed, and that staff could discuss this further with them.

Mr. Randolph asked if the bridge would be paid for by the residents.

Ms. Kanellopoulos replied that the bridge was not proposed with this development, since it would be on the adjacent property. She said the applicant is proposing a public connection up to that property so that, in the future, if there were a bridge, it could connect to that with development of the adjacent property.

Mr. Keller asked if the buildings would have basements, or if they were on footers.

Ms. Kanellopoulos replied that she believed they were on footers, and she would let the applicant speak to this.

Mr. Bivins opened the public portion of the session to hear from the applicants.

Mr. Justin Shimp (project engineer) said he was joined by his planner, Ms. Kelsey Schlein. He said this was an interesting project and one he very much liked, where the client has given him leeway to go outside the norm.

Mr. Shimp said in terms of the bridge, the same owner owns the adjacent piece, and that there is a rezoning application in for this. He said they therefore understand that the condition of that will be to connect the bridge on that property, and that this was coming. He said they have the public easement that they give through this property down a road that is already built, and so most of the trail infrastructure does actually exist on the plan.

Mr. Shimp said he had been before the Commission various times to talk about the size of units and density, and that this project was a perfect example of the problem with counting density as a dwelling unit, regardless of the nature. He said for instance, in Albemarle County, if one disturbs over 1 acre and builds a house, they have to do an erosion control plan. He said he is sometimes hired by someone building an estate, and that for example, a landowner in Ivy cleared 6 acres of land and built a 1,000-foot driveway at the side of the mountain (noting it was all legal, with permits) to build a 6,000-square-foot house. He said the disturbance was equivalent to the one he proposed in the River's Edge project, but for one dwelling unit.

Mr. Shimp said likewise, if someone wanted to build a 400-square-foot cabin, it would also be counted as one dwelling unit.

Mr. Shimp said in this situation, they considered some options such as townhomes. He said the version they talked about at the community meeting were traditional townhomes and larger units, totaling 60. He said although this can be done, he thought that there was a better option for the property.

Mr. Shimp said in the past, the Commission has approved accessory dwelling units to be considered as not a part of the density. He said for example, Belvedere has these ADUs, as well as Southwood, Riverside Village, and Old Trail. He said if an applicant brought a plan to the County for a 3,000-square-foot house with a 1,000-square-foot ADU, and there were 51 of these, that this would meet the Comprehensive Plan definition of density. He said that if the principal unit, however, was not three times of the size of the ADU, it doesn't count.

Mr. Shimp said for example, if every two units is 2,400 square feet instead of 4,000 square feet, it is considered too high of a density. He said this did not make sense to him.

Mr. Shimp said he was not asking the Commission to redefine how to look at density that evening, as this was a bigger conversation. He asked them to think about if a project like this could be thought of as a small unit and ADU that happens to be the same size, but that they both fall under a 1,200-square-foot maximum which is what the applicant thinks of as an ADU. He said he believed this was reasonable.

Mr. Shimp said it was important to note that with the footprint of the design, the applicant has proffered in the Application Plan a maximum of 50,000 square feet of footprint. He said comparing this to additional development, they are approaching half of touching the land to build these same units. He said they are impacting less and getting more "kitchens," and that they would have one and two-bedroom units instead of 3 and 4-bedroom houses. He said the number of bedrooms is the same, but they essentially will have more kitchens. He said he believes the overall impacts would be the same, or less, than what would be conventionally built on the property if they did the typical plan.

Mr. Shimp said he believed this was a reasonable justification for the increase in units, and that he was happy to discuss it more.

Mr. Shimp presented the overall plan, noting the access road and explaining that all the units are on a flat, buildable portion of the property. He indicated to where the road would have to *be* widened, for emergency access purposes. He said the applicant has worked with County staff on this and that they feel the impacts are mitigated.

Mr. Shimp said one thing that is unique about this property is that there are many nice trees on it, and that in looking at options, a townhome development requires them to be cleared. He said he came up with a scheme where they have some modular construction, and can build and set the units amongst the forest. He said the idea is that they can set the units up on columns without having to clear or grade the entire area. He said they will have to build the large parking lot, as there are standards that the County has to meet. He said they could build that, put the units off to the side, and minimize their impacts otherwise.

Mr. Shimp said the site is near some employment centers who use a lot of contract employees. He said this project will fit those employees' temporary needs amongst their employment.

Mr. Shimp presented examples of the houses. He indicated to the largest unit, which was 2 bedroom at 1,181 square feet. He said the typical shape of the unit is a long, skinny shape with one or two bedrooms, which can be built in a factory and brought to the site on a trailer.

Mr. Shimp said though they didn't have the exact architecture selected yet, the examples gave an idea of the scale of the structures.

Mr. Shimp presented an example that he noted was very close to what they would build. He said they would have a structure elevated on piers, and the parking lot would be adjacent to it.

Mr. Shimp showed an example of a unit that was closest to the flood plain. He said the lower unit was built above the flood plain by a large margin, and another unit is stacked on top of that. He indicated to the location of the parking lot. He said the grade otherwise follows the natural terrain, and that they can step up the hill with the units.

Mr. Shimp said he had a useful density comparison. He indicated to what represented eight units, noting there were two units over two. He said this was about the same footprint as the traditional three villa homes. He said if they built that, however, there was no room in between, and was straight structure. He said he hoped this illustrated what the applicant was getting at with the size of the structure, and that they were really building 50 or fewer houses. He said there are 36 structures on the plan containing various levels of units, but that in feel, look, and impacts, it falls into the Comprehensive Plan's number.

Ms. Firehock asked if someone would be walking down the stairs to get to their door in some units, while other units were at grade.

Mr. Shimp replied yes.

Mr. Shimp presented the area of pedestrian circulation mentioned earlier. He explained one would come off Route 29 and down the existing 8-foot road that the applicant would convert to a pedestrian trail. He indicated to where the future bridge would be to get across. He noted that most of the infrastructure was already built for this.

Mr. Shim p said because the project was embracing nature, they had a list of alternates to usual play structures (e.g. swing sets). He said though he didn't expect many children to live there, the ones who would can have a place to go and take advantage of the trails.

Ms. Firehock added that "big kids" need nature, too.

Mr. Shimp agreed. He said in summary, there is an increasing supply tor smaller units, and that he didn't think any project had come forward with this mixture of units of this type. He said all he needed from the Commission was the acceptance of the idea that an ADU does not have to be one-third. He said they could look at these as smaller units without having to count them as full dwelling units, noting that the Commission has done this with other projects, such as Southwood.

Mr. Bivins asked if anyone from the public cared to speak. Hearing none, he moved the meeting forward with questions for the applicant, as well as for Mr. Pohl, if necessary.

Ms. Firehock said that because she is a proponent of saving trees, she was very much in support of the design the applicant put forward. She cautioned about the fact that there is only one way in and out of the site, which presents a fire risk. She suggested that the applicant would avail themselves of the free services of the Virginia Department of Forestry and their "Fire-Wise' program. She said there are ways to design to make a dwelling safer in case a fire should break out.

Mr. Shimp said this was a good point. He said they have agreed with the fire marshal to provide sprinklers in all the buildings, which will also help mitigate that risk. He said Ms. Firehock was correct that when working the forest, they need to be cognizant of the risks.

Ms. Firehock said the Fire-Wise program is on the Virginia Department of Forestry's website. She said they have people that can come out and help the applicant's site design so that it is safe. She said perhaps there are some trees that do need to come out because they could be at risk. She urged the applicant to consider these things.

Mr. Randolph said on page 4, in the community meeting, there was some discussion about these units being long-term rentals of a year or more. He said a statement is provided on page 4 that says, "It will not be used for short-term rentals." He asked how they would prevent people from renting these facilities and not renting them out on a short-term basis.

Mr. Shimp replied that these were the staffs comments from the community meeting. He said the owner of the property owns Access Properties, who offer affordable housing around town. He said as the owner of this, they prohibit anyone from subleasing without their permission. He said Mr. Randolph was right that it is hard to enforce this with owner-occupied units, but in the case of this project, the units will all be owned by one property owner. He said people would be kicked out if they try to rent short-term, and so there is a control in this particular circumstance.

Ms. Firehock said she was curious how the County would know that this would be a requirement.

Mr. Shimp said he didn't think the applicant ever said that they were going to proffer this, but that it was their intention that they conveyed to the community. He said he had never heard of a development requiring that, and that he didn't know if the applicant would be opposed to it, but that there was no intention of it. He said he couldn't say that the property wouldn't be sold in 20 years and that someone else may have different rules. He said the applicant could only speak to an intention on what they are doing, as owners may change, and rules may change. He said this was more of a zoning question of how they would enforce this, rather than a decision of if this should be approved or not.

Ms. Firehock said a traditional subdivision would have a homeowner's association with the ability to create this rule, but that this was a matter of one individual owner, and that Mr. Shimp just said that this person could retire, go away, or sell the property, resulting in the property becoming an Airbnb or hotel type of community.

Ms. Kelsey Schlein (Shimp Engineering) said it was her understanding that the homestay regulations may preclude short-term rentals occurring regularly on the property, especially if it is not rented to the uses allowed on the Application Plan. She said she was asking for staffs input on this, as it was the applicant's understanding in proposing the Application Plan was that short-term rentals are not proposed as a by-right use on the property and so therefore, they are not allowed. She said it was

her understanding that they would have to comply with the supplementary regulations for short-term rentals.

Ms. Nedostup said staff would have to get back with an answer on that after doing some research on the homestay regulation.

Mr. Keller said that since it was one parcel, he didn't think it would be an issue. He said the most that there could be on one parcel would be the one. He said in other words, they wouldn't be able to turn each one into short-term. He said perhaps they could get the 5 plus 5 if it stayed rural, and that the most they could get out of it would be 10.

Mr. Dotson asked if all of the units would be rentals.

Mr. Shimp said this was correct. He said the applicant would not meet the County subdivision ordinance requirements for division as it is built.

Mr. Dotson noted these were modular units and that this suggests a situation where someone could not own the land, but the building only.

Mr. Shimp said he did not know. He said he supposed one would be able to have a condominium situation there, but that he didn't know for sure about that.

Mr. Dotson asked if this was the applicant's intent.

Mr. Shimp replied it was not their intent.

Mr. Keller asked if the road would be a County road or a private road.

Mr. Shimp replied it would be a private road.

Mr. Keller said if the Rivanna goes through, creates the ox bow, and there has to be a bridge across, they wouldn't have to worry about this being a County cost for the bridge at some point in the future.

Mr. Shimp said no.

Mr. Keller asked about modular versus manufactured.

Mr. Shimp said manufactured relates to older style mobile homes.

Mr. Keller asked if that would defeat the building standards.

Mr. Shimp said this was correct. Ile said they could not be manufactured home q, considering the building code. He said it has to meet the full building code.

Mr. Keller said this was the clarification that he wanted. He said in effect, they are building units to code.

Mr. Shimp noted the units would not be built off site.

Ms. Firehock said this was an important point.

Mr. Keller indicated that the applicant was asking the Commission about the land disturbance. He recalled the Commission had had an interesting work session on this previously, and that there has been a lot of response to ideas coming forward from that. He asked if the applicant is building on piers so that they don't have to have as much land disturbance, why not do pocket parking so that they can work with the grade more.

Mr. Shimp said he tried that. He said what he really wanted to do was have 14-foot 1-way roads with parking scattered throughout. He said between the fire code and parking regulations, however, it was near impossible. He said he did try this, as it was in fitting with the character that is there now. He said it was not feasible, however.

Mr. Keller said perhaps they could hear from the County Engineer (Mr. Pohl) about this, as these are things that have come up for other projects as well.

Mr. Keller said the last time, they talked limnology (the study of fresh waterways), and that there were issues about this becoming an ox bow lake and the impacts that Mr. Randolph talked about in the last several meetings about the different flood levels and changes to the environment with climate change, which will have an eating-out aspect of the concave side of the rivers. He said this means there will be less and less space or distance between the two channels. He said they didn't know whether this was 10 years, 100 years, or 1,000 years in this environment, in geologic time, but that it is something that is an issue of real concern.

Mr. Keller said the road going in was more of his concern, more so that the buildings. He said the applicant has addressed this, and he applauded them for that. He said they had talked before about floating a road or quasi-bridge concept in the narrowest part so there would be less disturbance to the steep slopes there. He asked the applicant since they were doing other innovative engineering techniques, if there may be a more innovative solution for dealing that type of connection.

Mr. Shimp replied that there are always more solutions, if enough time and money are spent. He said the problem was about the fire trucks. He said if they do an elevated road, it has to support the weight of a fire truck. He said it would kill the project if they had to construct something like this in that couple hundred-foot section of road coming in. He said there was not a scale that can justify or support that kind of cost. He said though the design idea was interesting, the other design components that stack against the applicant makes it unfeasible.

Mr. Keller asked about logging such as in the Amazon, where there is very large gravel put into the road with geotextile put down. He asked if there are ways, they could support it without adding as much land disturbance. He said he was referring to creating a stronger base.

Mr. Shimp said that the problem is that the narrowest point where the road crosses through is quite steep on either side. He said if they start building out on one side and put fill material there, they have to keep it from sliding off down the hill. He said he considered these things, but came to the conclusion that the best way, with minimal risk for rock and mud getting out of hand, is to follow the top of the hill and cut the grade straight down. He said although this was not innovative, this was the most practical solution and satisfies zoning, fire code, and can be done without the risk of a mud slide.

Mr. Shimp said though creative solutions were considered, the project also has to be buildable for the client (for whom he had spent 1.5 years working on the project). He said it was a fair question, but that he hadn't figured out a way to do this that was feasible. or that doesn't create concerns

about how they operate in the slopes. He said he is minimizing the number of slopes they have to touch with this particular concept. He said as far as grading, this was the minimum they could do.

Mr. Bivins asked to see the slope disturbance facts for managing runoff. He asked for explanation of the stormwater management facility and if this involved runoff from the parking lot that could find its way into the north fork of the Rivanna River.

Mr. Frank Pohl (County Engineer) said they would have stormwater coming off this site. He said the first proposal was a level spreader in the flatter areas that Mr. Shimp had proposed, but that there could be implications with the level spreader about erosion along the stream bank, as that stream bank drops. He said they need to get to the river, if there is going to be a problem, but that he wasn't sure if there would be a problem until the design is done and until staff can look at things more closely. He said he suggested that Mr. Shimp show access to the river. He said he would rather have protected access with a built outfall than try to force a solution that might create a problem.

Mr. Pohl said this solution gives them the flexibility and that they could still address it. He said either way, the applicant has to meet the VSMP requirements.

Mr. Bivins asked with oil changes and antifreeze changes, and with 100 units and 100 cars (perhaps 200 cars), if this was a potential problem for that kind of runoff.

Mr. Pohl replied yes. He said they cannot control oil changes that occur illegally and dump into the river.

Mr. Bivins asked how the system controls the potential damage to one of the County's resources.

Mr. Pohl replied that all the projects have this, and that none of them are required to have an oil separator. He said the County does not have the authority to require an oil separator. He said the site is located on the river, and so the applicant can purchase credits and discharge directly to the river without having to provide any attenuation. He said his understanding was that this was not the applicant's intent, and that the applicant was going to provide attenuation, which is how they were going to use the level spreader, which is the one-year stormer vent for the energy balance. He indicated on a corner of the map to a wider line, noting this represents an underground detention facility.

Mr. Pohl said he believed the applicant would utilize off-site return credits.

Ms. Firehock said she wanted to ask the applicant about this. She said the County Engineer is well aware of all the progressive things that could happen, as was Mr. Shimp, but that she wanted to put the question to him instead.

Mr. Bivins said one of the Commissioners was wondering about the 500-year flood and the 1,000-year flood, and whether or not any of this interferes or impacts this project.

Mr. Randolph said there was a discussion during the break, and that he was aware of where the buildings are situated, and the proposal to have them on stilts or columns above the flood plain. He asked what the insulation would be underneath the buildings, because if it gets wet in flooding, then it all has to be torn out if it is fiberglass.

Mr. Shimp said this was true. He said they were above the 500-year storm, and that the probability of that happening in the lifespan of these houses is very low. He said with access underneath, they could replace the insulation without too much hassle, and that it was a remote risk.

Mr. Shimp said that normally in zoning, they don't get into stormwater treatment, but given the specifics of the site, if the Planning Commission were to recommend some percentage of on-site water quality treatment instead of credits, he would not object to that, if that is what they were getting at.

Ms. Firehock said this was possible.

Mr. Shimp said there is a Special Use Permit for the disturbance and that under that, in the past, the Commission has made similar conditions before.

Ms. Firehock said she knew Mr. Shimp has a client and that he is not the purse strings of this project. She said in looking like places like River Bluff (and not suggesting they build $600,000 homes), they have some features such as permeable parking spaces. She said the applicant could reduce the volume of stormwater that they need to treat in the first place. She said since this development may attract a different sort of individual, as they are building a nontraditional product in the woods, they could have rain barrels or other ways to reduce the amount of underground storage they have to construct as a savings. She said she understands that permeable pavers need to be vacuumed at least once or twice a year, and that this was a paid service, but that they would have to do things to maintain the property anyway.

Ms. Firehock said there are many techniques and technologies to reduce the amount of runoff generated. She said although this was not the applicant's fault, she wanted to say for the record that she was opposed to buying water quality credits and how the State law changed years ago. She said the committee that worked on this put a lot of "and's" in the clauses in the law, and by the time it was voted on in the legislature, they all became "or's." She said therefore, what they have is not what was intended by the best stormwater professionals.

Ms. Firehock acknowledged the applicant is working within the law, but to the degree that they can push their client to do some of this water quality treatment on site would make this a much more attractive project because they are on a fragile landscape in the loop of the Rivanna River that is already severely impacted. She said to her, the greener and more sensible treatment they could put there, in addition to leaving large trees, was ideal.

Ms. Firehock said the County's parking standards, for the records, were draconian and also need work, as the Commission has discussed with Mr. Benish many times.

Mr. Shimp said these were all fair points.
Ms. Nedostup said she had the opportunity to look at the homestay regulations, and that short-term rentals are only permitted in detached single-family dwellings. She said in this case, these are attached units, and so the current regulations would not allow for them to be homestays.

Mr. Keller asked if the units would all be attached.

Ms. Firehock said they were all touching.

Mr. Bivins closed the public hearing.

Mr. Dotson said he had a question for staff. He said looking at the plan, it brings to mind a mobile home subdivision, based on the shape of the footprints. He asked what the density regulations are for mobile home subdivisions, and if they are a straight one-for-one the way single-family detached are or if there is some allowance for more mobile homes than the density calls for.

Ms. Kanellopoulos replied that staff could try to check on this question, as she was not sure offhand. Mr. Keller said the model for this is a PUD of regular houses. He said this has no relationship to a trailer park in any way. He said it would be like a rural subdivision.

Mr. Dotson said he was not convinced by Mr. Shimp's logic of how to address the Comprehensive Plan density question, and that he wondered if there was a precedent in mobile home subdivisions, senior housing, or any other category where the Comprehensive Plan density was not simply translated one for one.

Ms. Nedostup replied that they have not had a lot of those applications. She said the only one she could think of that went above the Comprehensive Plan density was Riverside Village for the affordable units. She said as Ms. Kanellopoulos stated, staff does not have much guidance within the Comprehensive Plan, Zoning Ordinance, or any other policies to direct them.

Mr. Dotson expressed that if the Commission approved this, Mr. Shimp would remember that, and they would see more of this type of request. He said Mr. Shimp was bringing them something new. Ms. Firehock said she understood what was said about the difference of the density, and that there was a lot of effort to explain carriage houses, which she didn't need. She said this was why the Planning Commission exists. She said instead of by-right uses, they look at special exceptions, strange situations, and requests to change the norm. She said in this case, it was not merely a request to increase density, but it is a completely different design where the applicant has shown the proposed density in a nontraditional format, which is actually less impactful to this particularly sensitive landscape in this location. She said this is what she found compelling.

Ms. Firehock expressed her joy with the applicant protecting some trees on the site. She said she was tired of lot line to lot line clearing.

Mr. Dotson said this raises the question of impact-based density. He said one could build a 2,400-square-foot home as a unit, or two 1,200-square-feet homes (a unit), or three 800's as a unit. He said in some of the Airbnb discussions, there was the question about regulating units, square feet, or bedrooms, and determining the best indicator of impacts. He asked if there were some things, however, that do not scale, as perhaps the same number of parking places is still needed. He said if there are two people in a unit, they could perhaps have two cars, or not, for instance. He said it was a very interesting question, and possibly the first project they could add to the work program for staff.

Mr. Dotson said what this reminds him is of the habitat at the World's Fair in the late 1960s that was modular units that were stacked in a very attractive way to make a rather large structure. He said this notion was very appealing, and that the project makes him think of this (and not an Iroquois Indian village).

Mr. Clayborne said overall, he enjoyed the project, and thought there were many clever moments in the proposal. He said it is unique. He said he didn't have an issue with the density, and that the more he studied

it, he didn't have an issue with the uniqueness of the proposal. He said he did agree with his colleagues' stormwater management comments, and however this is tucked into the motion, he could get behind it. He said as of that moment, he saw the application as highly favorable and that it would have his support.

Mr. Keller said although *he* wanted to support the project, he believed they needed to work through it further on a number of points. He said in dissecting the number of questions that had been made thus far, they would perhaps be digging into them further if it wasn't such a late hour.

Mr. Keller said this project was exactly what he had been calling for, and that he was completely supportive conceptually. He said he was not sure, however, how he felt about the two units being together the way they are. He said they were trying for this not to be like a trailer park and yet, it feels like one, to him. He said he thinks that if they are asking an applicant to do something creative, they need to think and work with their County Engineer to see whether they might be able to do something more creative in terms of parking, the roadway in, and how this works with fire and police.

Mr. Keller said he still had concerns and reservations about how narrow the channels at the 500-year flood plain are, between the two channels of the river. He said this warrants more thought.

Mr. Keller said although *he* was close, he personally felt that the Commission should consider these points, as well as the stormwater management.

Mr. Dotson said he knew that State agencies that issue permits related to water and health matters have the ability or process for issuing an experimental permit where they identify the things that the experiment is intended to test. He said they then track it over time. He said this doesn't open the door to having a new rule but rather, it gives a vehicle for going forward with some creative ideas. He said he wondered if some thinking along those lines might apply. He asked what they might want to test with this. He said they all agree it is innovative, and perhaps they could set up a program where this becomes a model, they look at every so often to see if it would be a good idea to make it the normal option.

Mr. Bivins said he didn't know how the Commission would impose that or set it before an applicant. He said perhaps if the applicant, during the process, were to say that this was something they would like to do, it could work, but he didn't know how the Commission could ask the applicant to speak to the Commonwealth to see if it is something they can do and if so, the Commission would stand with them. He said what they might encourage, as they are looking at climate action and the policies that may come before them, is to see if there is a way there to suggest the option to people.

Mr. Dotson said in suggesting they think about this as an experiment and try to specify what they would hope to learn from it, he thinks this could be stated as part of a purpose statement on the

Application Plan. He said there could be a protocol for whatever it is they want to monitor. He said perhaps there was nothing to monitor.

Mr. Bivins said he thought this was a good idea, but that he was hoping they were not suggesting pausing the application.

Mr. Dotson said it would be a way to go forward with the application.

Mr. Bivins asked how they would know what they were suggesting.

Mr. Dotson said at that moment, he didn't have a list of things that he would like to know. He said he hoped there might be some things, however, and that this would be a rationale to go forward.

Ms. More said the project is creative and that she liked the idea, but that she was not comfortable with the idea of doubling the density by using the accessory dwelling, and with them being the same size. She said going this for, the applicant was not asking for a little bit, but was asking to literally double with the accessory unit not being what they typically look for, where there is a certain size for the main dwelling and the accessory. She said this is what made her uncomfortable. She said they were going from 50 to 100, and although she could somewhat understand the applicant's argument for it, this was why she was a "no" on this.

Mr. Shimp said one thing the applicant could do is say 1,200 for 50 and 1,000 for 50, dropping the number down. He said what they see is mostly around 650-700 square feet, and that 1,200 square feet is only his largest unit. He said if there was concern about that being the same, they could make half of the accessory units a smaller square footage.

Mr. Bivins said there was something that he has been very clear about during his chairmanship. He said they are not going to get engaged in doing the work of staff from the dais. He said this would come down however it would, and that he would recommend Mr. Shimp have this conversation with staff. He said the Commission was not going to negotiate the square footage, although it was a valid point to bring forward.

Mr. Shimp said that staff were not going to tell him what the square footage would be, either.

Ms. More said she was only one "no" vote.

Mr. Bivins said Mr. Shimp was advised to stop at this point.

Mr. Randolph said Ms. More was not alone, and that he had the same feelings about it. He said the problem he has with the application is that although it contains some innovative things, he was worried in the long-term that the County would see a low-income community that they will be a party to creating. He said once again, they will have put a low-income community in a location with no public transit available. He said he didn't see any suggestion of a bus stop for a potential future bus. He said it would be left to the Board and CAT in the future to make an argument or, with autonomous buses coming out, to provide transit to this location. He said this was an unaddressed impact, in terms of buses.

Mr. Randolph said there would be 21 students occurring there, at minimum, which was an unaddressed impact.

Mr. Randolph said the bridge was cited as a pedestrian bridge, but that it needs to be thought of from a design standpoint of an emergency exit if the ox bow does come into fruition. He said in his estimation, it would have to be somewhere around 45 feet of water that would have to occur to cross over between the two portions where the ox bow would be eliminated. He asked the applicant to think about another means of exit there.

Mr. Randolph said one thing that has not been put into the queue is that there are many trees on the site and if there was a forest fire, with only one way out, they don't want people having to swim and cross the Rivanna River to get out. He said he was uncomfortable from a safety point that there was only one way in,

but that fundamentally, he was concerned about the unaddressed impacts of education, public transit, and the trails. He said he was concerned long-term about what could happen on the site that they do not have control over.

Ms. Firehock said she had a point that was related, but that she was not expecting the Commission to discuss that evening. She said that in Charlottesville, there were many requests for infill when she was on the Planning Commission there, and that they wrote an ordinance that provided a density bonus in exchange for implementing a certain minimum number of innovative best management practices, such as low-impact development design, so that they got infill with guaranteed green design. She said they can write those types of ordinances in the County, but that they didn't currently have that.

Ms. Firehock said for her to support the project, she would need to see some kind of clause. She said she didn't know how to quantify this, as they were not writing a stormwater plan for the dais, either. She said if they were to add some sort of clause such as, "implement innovative best management practices to reduce stormwater volume generated, and to treat water quality on site to the maximum extent practicable," they would not be setting a specific number on it. She said she wished the application already contained some of this, as it is a sensitive site.

Ms. Firehock said the Wetsel property the Commission just reviewed is largely cleared, and so that site will have a lot more stormwater impact to treat this site because it is already treed, and the applicant is leaving some of the trees in place, which actually generates less stormwater from the start. She said one mature tree can take up to several thousand gallons of stormwater per tree, per year. She said by leaving the trees in place, the applicant already has a site that has much less impact than most of the County's development projects. She said even so, since there is a private road and parking spaces, she would like to see some way to use permeable pavements, cisterns, rain barrels, etc. She said there was a whole host of approaches that were not too expensive.

Mr. Bivins said the applicant was receiving some feedback that evening, and asked if it would be helpful for the applicant to defer before taking a vote.

Mr. Shimp replied that this was reasonable. He said he has not heard specifics on some things, but that he had ideas on things he could revise. He said he wants to move the project forward with everyone feeling good about it. He said there are some things the applicant can address, but that the ox bow condition was out of his hands. He said the stormwater points and narrowing down the square footages could be accomplished. He asked if he could return in four weeks to defer and make some tweaks.

Mr. Andy Herrick (County Attorney's Office) asked if the applicant was requesting a deferral.

Mr. Shimp said yes, with the condition that it not be 3-4 months until he comes back.

Mr. Herrick asked if Mr. Benish knew the upcoming schedule.

Ms. Firehock suggested putting it at 4-6 weeks, noting that it was difficult for staff to juggle all the projects.

Mr. Shimp acknowledged that staff was busy. He said he would be fine with a 4- to 6-week timeframe. He said the changes would be very minor.

Mr. Herrick said he would like Mr. Benish's input on the upcoming schedule.

Ms. Nedostup said if they were looking at stormwater management, they would need to cycle through a review of that with the County Engineer, and that it would be about 4-6 weeks, though she hadn't looked at the schedule of the upcoming meetings in April and beginning of May.
Mr. Bivins asked if the Commissioners would like to add any points, they wanted Mr. Shimp to address.

Ms. Firehock said she had already mentioned fire-wise design, as there is a risky site with one entrance.

Mr. Clayborne said stormwater management was his main concern.

Mr. Keller said he would like the applicant to challenge County staff about the original parking scheme along the side of the road, instead of having defined parking areas. He said he would still like the applicant to think about his point about the narrowing where the two channels are, and whether they could have less environmental impact there.

Mr. Dotson said to build on Ms. More's point, he would like to have the applicant think about a rationale that is different than the accessory unit rationale -- the rationale that even though PUD's don't qualify for bonuses, thinking about it as if it is a bonus because it does things the County says it wants to do. He said he would feel much more comfortable with that than with the accessory unit.

Ms. Firehock and Mr. Randolph agreed.

Mr. Bivins asked Mr. Herrick if this was sufficient.

Mr. Herrick replied yes. He asked if they have determined a specific date to which this should be deferred.

Ms. Nedostup replied that the thought was May 19 in order to give a couple weeks for the applicant to revise and bring in plans for review.

Mr. Herrick said if the applicant was then requesting a deferral to May 19, there would need to be a motion.

Mr. Randolph moved to defer of ZMA201800018 and SP201800023 River's Edge.

Mr. Keller seconded the motion, which carried unanimously (7:0).

Ms. Firehock noted that she would be out of town on May 19. She said she would convey her thoughts to Mr. Shimp and to the Commission before that meeting.

Committee Reports

There were no reports.

Old Business

None

New Business

Mr. Benish said next week's Planning Commission meeting (for 3/17/20) had been canceled, as the applicant asked for a deferral. He said that hearing was tentatively scheduled for June.

Mr. Herrick said his suggestion was that the Commission formally make a motion to defer that application, to make it official.

Mr. Keller moved to defer SP201900013 to June 16.

Ms. More seconded the motion, which carried unanimously (7:0).

Mr. Benish said April 29, there would be a joint meeting with the Board of Supervisors on affordable housing, 10:00 a.m. to 12:00 p.m., in Room 241.

Ms. Firehock and Mr. Randolph said they would not be able to attend this meeting.

Mr. Benish said on April 1, at the Board of Supervisors meeting, there would be a presentation on R-cuts. He encouraged the Commission to listen in or attend. He said this meeting would be sometime after 1:00 p.m. and was actually couched in the VDOT quarterly report. He said this type of presentation would typically occur around 3:00 p.m.

Ms. More asked if the next meeting would be March 24, and if the Yancey item was still tentative.

Mr. Benish replied no, and said his understanding was that this would still be occurring on this date in order to meet some review deadlines. He added that Bamboo Grove had not been scheduled. Mr. Charles Rapp introduced himself as the new Planning Director. He said he looked forward to working with the Commission and serving in the community.

Adjournment

At 10:38 p.m., the Commission adjourned to (March 24, 2020 – CANCELLED) April 7, 2020 Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia

Charles Rapp (Electronic Signature)
Charles Rapp, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Boards and transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: May 5, 2020
Initials: CSS